

# Resettlement Framework

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Project Number: 42486-016  
June 2016

## IND: Madhya Pradesh Urban Services Improvement Project

Prepared by the Government of Madhya Pradesh for the Asian Development Bank.

This Resettlement Framework is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature.

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# Resettlement Planning Document

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Resettlement Framework  
Document Stage: Draft for Consultation  
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Improvement Project (MPUSIP)

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## ABBREVIATIONS

ADB	-	Asian Development Bank
AP	-	affected person
BPL	-	below poverty line
CAPP	-	consultation and participation plan
CBO	-	community based organization
DC	-	design consultants
DP	-	displaced person
EA	-	executing agency
GOI	-	Government of India
GOMP	-	Government of Madhya Pradesh
GRC	-	grievance redressal committee
GRM	-	grievance redress mechanism
HHs	-	Households
IA	-	implementing agency
MFF	-	multi-tranche financing facility
MPUDC	:	Madhya Pradesh Urban Development Company Limited
MPIIF	:	Madhya Pradesh Urban Infrastructure Fund
MPUSIP	:	Madhya Pradesh Urban Services Improvement Project
O&M	-	operation and maintenance
PBC	-	performance-based contract
PDA	-	project design advance
PIU	-	project implementation unit
PMC	-	project management consultants
PMU	-	project management unit
PO	-	project officer
PPTA	-	project preparatory technical assistance
R&R	-	resettlement and rehabilitation
RF	-	resettlement framework
RFCTLARR	-	The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
RP	-	resettlement plan
ROW	-	right of way
RWA	-	resident welfare association
SIA	-	social impact assessment
SO	-	safeguard officer
SPS	-	Safeguard Policy Statement
TA	-	technical assistance
TOR	-	terms of reference
UADD	-	Urban Administration and Development Directorate
UDHD	-	Urban Development and Housing Department
ULB	-	urban local body
WTP	-	water treatment plant

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## I. INTRODUCTION

1. Government of Madhya Pradesh (GoMP) with a sector project loan funding from Asian Development Bank (ADB) has proposed to implement Madhya Pradesh Urban Services Improvement Project (MPUSIP), herein after referred as ‘the Project’. Madhya Pradesh Urban Development Company Limited (MPUDC) shall be the Implementing Agency (IA) and the State Urban Development and Housing Department (UDHD) shall be the executing agency for the Project. A project management unit (PMU) created under MPUDC is implementing MPUSIP.

2. MPUSIP’s physical components include (a) improvements to water in 64 project towns ; and (b) sewage and storm water collection and treatment services proposed in two (2) identified towns (Khajuraho, and Rajnagar). The project also includes an institutional strengthening component and a project management and administrative support component. Only limited impacts on involuntary resettlement are envisaged from the proposed components as most of the subproject activities will be located in the existing facility, government’s own land or public right of way.<sup>1</sup>

3. This Resettlement Framework (RF) for MPUSIP outlines the objectives, policy principles and procedures for land acquisition, if any, compensation and other assistance measures for Displaced Persons<sup>2</sup> (DPs)/Affected Persons (APs), if any. This framework reflects the borrower’s law on the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013, state government policies, ADB’s Safeguard Policy Statement (SPS), 2009 and other social safeguard guidelines. A detailed description of compensation measures and assistance is provided in the entitlement matrix.

4. An entitlement matrix, consistent with the existing norms and guidelines of the country and the state government, and ADB’s Safeguard Policy Statement has been prepared to cover losses identified in this Project. The matrix recognizes that the lack of title/customary rights recognized under law will not be a bar to entitlement and has special provisions for non-titled persons. The eligibility for compensation will be determined through a cut-off date. People moving into the sub-project area after the cut-off date will not be entitled to compensation or other assistance.

## II. OBJECTIVES, POLICY FRAMEWORK, AND ENTITLEMENTS

5. The policy framework and entitlements for MPUSIP are based on the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013, state policies and regulations and ADB’s SPS 2009. Until recently, all activities related to rehabilitation and resettlement in the state of Madhya Pradesh had been based on the Madhya Pradesh Resettlement and Rehabilitation Policy, 2002 (MPRR) and National Rehabilitation and Resettlement Policy, 2007 (NRRP-2007). Government of Madhya Pradesh (GoMP) adopted LARR 2013 on 3<sup>rd</sup> October, 2014 (**Appendix 2**) with some specifications for operationalizing its

<sup>1</sup> Limited impacts on involuntary resettlement identified in one of the sample subprojects of MPUSIP (Khajuraho town) and the required RP was prepared in consultation with the affected persons and the RP was disclosed on ADB website.

<sup>2</sup> In the context of involuntary resettlement, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary

implementation in the state<sup>3</sup>. In August 2013, GoMP promulgated the Madhya Pradesh Underground Pipeline, Cable and Duct (acquisition of rights of user of the land) Rules, 2013, salient features of which are discussed below. GoMP also follows the Land Acquisition (Madhya Pradesh Amendment) Act, 1959 applicable to the municipal limits of Bhopal (the state capital) alone, which is not a project town, hence not included in this review.

#### **A. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013<sup>4</sup>**

6. This is a comprehensive national law to regulate land acquisition and provide rules for granting compensation, rehabilitation and resettlement to the affected persons in all projects in India. The Act provides for fair compensation to those whose lands are acquired and brings transparency to the process of land acquisition and assures rehabilitation of those affected. The Act replaces the Land Acquisition Act, 1894 and has come into force from 1 January 2014. Some of the key features of the new Act which is different from the LA Act 1894 are:

- (i) specific definition of acquisition for public purpose, and disallowing of change in purpose after acquisition;
- (ii) social impact assessment (SIA) by the Gram Sabha or equivalent body in urban areas is mandatory, and the Act provides detailed guidelines for conduct of SIA and its appraisal by an Expert Group;
- (iii) It provides for specific timelines for each activity in the process: SIA, appraisal by Expert Group, Objections, public hearing, preliminary notification, Draft declaration and R&R Scheme, compensation and R&R payment, provision of infrastructure amenities; the process lapses in case no land acquisition notification happens after twelve months of the EG report. Further, the R&R award should be made within twelve months from public declaration of the R&R scheme. Such a timeline is however extendable by the appropriate Government by another twelve months if deemed necessary;
- (iv) It provides for retroactive payment under Clause 24, in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894, where no award under section 11 of the said Land Acquisition Act has been made; it also allows for 5 years old or more land acquisition proceedings wherein award is made but physical possession of the land has not been taken to be deemed as lapsed, and to be taken up under RCFTLARRA; and has similar provisions in cases where compensation for a majority of land holdings has not been accepted; to ensure minimum delays;
- (v) mandates consent of 80% landowners for private entities acquiring land and 75% for public private projects;
- (vi) provides guidelines for calculation of market value; it also states that the date for determination of market value shall be the date on which the notification has been issued under Section 11. The market value so determined would be multiplied by a factor of, at least one to two times the market value for land

<sup>3</sup>These GOs issued separately in September 2014 (i) notifies administrative cost of land acquisition; (ii) appoints Divisional Commissioners as Commissioners for Rehabilitation & Resettlement within their respective jurisdictions; (iii) authorizes District Collectors to constitute an Expert Group separately in respect of each project, (iv) notifies the factor with which the market value is to be multiplied in case of rural areas, (v) appoints Officer-in-charge of Land Acquisition Section in the Office of the Collector as Administrator for Rehabilitation and Resettlement, and (vi) limits agricultural land acquisition, as required by the RTFCLARR, 2013.

<sup>4</sup> As passed by the Lok Sabha on 29 August 2013.

- acquired in rural areas and at least one times the market value for land acquired in urban areas.;
- (vii) The Act stipulates a solatium equal to 100 percent of the market value of the property including value of assets;
  - (viii) payment of resettlement and rehabilitation assistance under Section 100, for all those losing livelihoods; the Act specifies the minimum to be paid but governments or private companies may pay higher compensation; Restrictions on acquisition of irrigated multi-cropped land) ;
  - (ix) the Act restricts any acquisition of irrigated multi-cropped land except for exceptional circumstances. An equivalent area of cultivable wasteland or land value has to be deposited with government in the case of such an acquisition;
  - (x) the Act prescribes a formal and transparent mechanism for R&R implementation, with a structured institutional framework at the Centre, State and Project level for LA and R&R implementation and monitoring.

7. The Right to Fair Compensation and Transparency in LARR Act provides a framework in which the interest of the land looser is protected. The Act also empowers the government to define purposes to support infrastructure development and industrialization. The new Act increases the overall cost and time required for land acquisition, thereby compelling project owners towards more efficient utilization of land.

#### **B. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Bill, 2015**

8. This is a bill and hence not a binding law/document, but shows the direction in which the government was moving. The RFCTLARR Amendment Bill, 2015 seeks to amend the Act of 2013. It creates 5 special categories of land use: 1. defense, 2. rural infrastructure, 3. affordable housing, 4. industrial corridors, and 5. infrastructure projects including Public Private Partnership (PPP) projects where the central government owns the land. The Bill exempts the five categories from provisions of the LARR Act, 2013 which requires the consent of 80 per cent of land owners to be obtained for private projects and that of 70 per cent of land owners for PPP projects. The Bill allows exemption for projects in these five categories from preparing Social Impact Assessment to identify those are affected and from the restrictions on the acquisition of irrigated multi-cropped land imposed by LARR Act 2013. The Bill brings provisions for compensation, rehabilitation, and resettlement under other related Acts such as the National Highways Act, the Electricity Act and the Railways Act in consonance with the LARR Act. The Bill changes acquisition of land for private companies mentioned in LARR Act, 2013 to acquisition for 'private entities'. A private entity could include companies, corporations and nonprofit organizations. The Bill is pending approval of the upper house of the Indian Parliament.

#### **C. The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.**

9. The Street Vendors Act came into force on March 5, 2014, and seeks to protect the livelihoods of street vendors while regulating street vending. The Act recognizes street vendors of different types including mobile (moving) vendors, stationary (vending from a particular place), natural markets (spaces where buyers and sellers traditionally congregate), vendors with temporary built-up structures, hawkers, peddlers and squatters. It provides for regulation of street vendors, defines the rights and duties of street vendors and requires definition of designated vending zones, issue of certificates of vending and identity cards to street vendors,



and proposes vending fees and maintenance charges. Under the Act, each state government is required to define the public purpose for which a street vendor may be evicted and the manner of relocation, manner of giving notice, and provides for a dispute resolution mechanism. As per the Act, planning and regulation of street vending is to be undertaken at town level by the Town Vending Committee. The Act also provides for social audit of the activities of the Town Vending Committee.

#### **D. State Government Policies and Practices**

10. Relevant state policies include:

- (i) **Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2014**, were adopted by GoMP on 29 September 2014 through a Government Order, which was published in Madhya Pradesh *Rajpatra* dated 3 October 2014. The Rules essentially discuss how the RFCTLARR 2013 is to be operationalised at district level. The following provisions are made: (i) the collector is deemed to be the appropriate Government for land acquisition for public purpose in a district, of area not exceeding 10,000 ha; (ii) 5% of the compensation cost shall be charged as administrative cost for acquisition of land;<sup>5</sup> (iii) definition of the word “landless” shall be the same as under the Madhya Pradesh Land Revenue Code No. 20 of 1959; (iv) divisional commissioners are appointed as Commissioner for Rehabilitation and Resettlement within their jurisdictions; (v) Collectors to constitute an expert group for evaluating social impact assessment report – the composition of the expert group is also specified; (vi) in rural areas, the factor by which the market value is to be multiplied shall be 1 (one); (vii) the Officer in Charge of LA section of the office of collector not below the rank of Deputy Collector is appointed as Administrator for rehabilitation and resettlement (R&R) in case of any involuntary resettlement due to land acquisition; (viii) the Officer-in-Charge of LA not below the rank of Deputy Collector and all persons working under him/her are authorised to carry into effect Section 12 of the Act; (ix) agricultural land required for all projects in a district shall in no case exceed 50% of the highest net sown area in an agricultural year during the last 10 years in the district; and (x) the area of irrigated multi-cropped land and aggregate required for all projects in a district, shall in no case exceed the highest of such area in an agricultural year during the last 10 years in the district; and
- (ii) **Madhya Pradesh Underground Pipeline, Cable and Duct (acquisition of rights of user of the land) Rules, 2013**, that allow the state government to acquire user rights over private land for laying of underground pipelines, cables and ducts. The said user rights require payment of compensation against loss of crops and trees and any other loss/damage to the land or property as a result of such work, an additional 15% of the market value of the land on the date of declaration, and interest on the compensation amount if works are not completed within the stipulated time. Compensation if required to be paid to the owner within 30 days of issue of declaration.<sup>6</sup>

<sup>5</sup> It is interpreted that the requiring authority shall pay 5% of compensation cost to the Land Revenue Department towards administrative charges, implied but not specified in the Government Order dated 29 September 2014..

<sup>6</sup> <http://www.mp.gov.in/en/web/revenue/policies> (<http://www.mprevenue.nic.in/documents/10192/5815895/4.pdf>)

- (iii) **Support to Street Vendors, Operational Guidelines.** Madhya Pradesh was the first state in India to adopt and operationalise the street vendor policy. Vending zones were defined in major cities and identity cards issued to street vendors. The state currently follows the operational guidelines for support to street vendors issued by Government of India under the National Urban Livelihoods Mission, which are uploaded on the GoMP website.<sup>7</sup> The guidelines provide for survey of street vendors and issue of identity cards, development of city street vending plans, infrastructure development of vending zones in a city, training and skill development, financial inclusion, access to credit, and linkages to social security schemes. Further, any rules framed by the state under the aegis of the street vendors (Central) act of 2014 shall be applicable to the project, as and when published/adopted.

#### **E. ADB's Safeguard Policy Statement, 2009 (SPS)**

11. ADB has adopted Safeguard Policy Statement (SPS) in 2009 including safeguard requirements for environment, involuntary resettlement and indigenous people. The objective of the Safeguard Policy Statement, 2009 is to avoid involuntary resettlement wherever possible; to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups.

12. The involuntary resettlement safeguards cover physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary. Followings are the basic policy principle of ADB's Safeguard Policy Statement, 2009:

- (i) Identification of past, present, and future involuntary resettlement impacts and risks and determination of the scope of resettlement planning.
- (ii) Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations.
- (iii) Improvement or at least restoration of the livelihoods of all displaced persons,
- (iv) Ensure physically and economically displaced persons with needed assistance.
- (v) Improvement of the standards of living of the displaced poor and other vulnerable groups.
- (vi) Development of procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement,
- (vii) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- (viii) Preparation of a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.

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<sup>7</sup> Government of India. Ministry of Housing and Poverty Alleviation. 2013. *Support to Urban Street Vendors (Operational Guidelines)*. National Urban Livelihoods Mission. New Delhi

- (ix) Disclosure of resettlement plan, including documentation of the consultation process in a timely manner to affected persons and other stakeholders.
- (x) Execution of involuntary resettlement as part of a development project or program.
- (xi) Payment of compensation and provide other resettlement entitlements before physical or economic displacement.
- (xii) Monitoring and assessment of resettlement outcomes, their impacts on the standards of living of displaced persons

13. The project will recognize three types of physically displaced persons: (i) persons with formal legal rights to land lost in its entirety or in part; (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws; and (iii) persons who lost the land they occupy in its entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such land. The involuntary resettlement requirements apply to all three types of physically displaced persons. It also applies to all types of economically displaced persons – those facing permanent income loss as well as those facing temporary income losses.

#### F. Comparison of the RFCTLARRA 2013 with key indicators of ADBs Safeguard Policy Statement 2009

14. A comparison of the key indicators has been made, and how the gaps will be addressed through this Framework in case of any instance of involuntary land acquisition is given.

**Table 1: Comparison of Key Indicators of ADBs Safeguard Policy Statement 2009**

SI. No.	ADB's SPS	RFCTLARRA	Gaps to be filled
1	Compensation at replacement cost	The new bill provides the market value with a detailed calculation of market value which, includes (i) value of land to be determined as provided under section 26 plus; (ii) Factor by which the land value based on calculation under Section 26 is to be multiplied in the case of rural area is 1 – 2 based on distance of the of the project from urban area, as may be notified by the appropriate Government. And by a factor of 1 for urban areas, plus (iii) Value of assets attached to land or building under section 31 plus (iv) Solatium Equivalent to 100% of the market value of land, multiplied by the factor specified for urban & rural areas.	No major gap as both require compensation to be provided at replacement cost. LARR 2013 provides detailed procedure to work out the compensation without any ambiguity.  Compensation to be provided at replacement cost
2	Provision of full compensation without any deduction	Under Section 31 there is 100 % solatium, which is amount equivalent to 100% of the compensation amount.	Not specifically mentioned for structures, but will be specified so as there is no ambiguity
3	Compensation to squatters and other non-title holder including tenants and land users.	Under second schedule it is mentioned resettlement entitlement will benefit families whose livelihood is primarily dependent on land acquired	Both recognize displaced person without titles as affected persons, although LARR 2013 does not specifically use the terms squatters and encroachers.

Sl. No.	ADB SPS	RFCTLARRA	Gaps to be filled
			<p>A major gap is that while ADB SPS recognizes all APs residing or depending on such lands as on census survey at the start of LA process, the LARR 2013 stipulates that such APs should be residing or depending on land for 3 years or more preceding land acquisition. Families who are depending on such lands for less than 3 years are not recognized as APs and will not be eligible for compensation or resettlement assistance.</p> <p>All non-titleholder affected persons will be considered compensation and/or other assistance as described in RF.</p>
4	Cut -off Date	Those living 3 years prior to acquisition will be considered for benefits.	<p>Major gap identified in the requirement of three years working/living in the area prior to the land acquisition for the LARR Act to be entitled for receiving livelihood assistance. The ADB SPS requirement is based on the project/subproject census/ SIA survey. For the APs of MPUSIP, the SIA census/ socio-economic survey of will be used as the project cut-off date. The appropriate livelihood restoration measures will be included in the resettlement plan and all the affected persons will be considered for receiving compensation and/or other assistance as described in the RF.</p>
5	Social Impact Assessment (SIA) to identify the impacts, risks and	The bill proposes preparation of SIA study under Chapter 2, Section 4.	

Sl. No.	ADBs SPS	RFCTLARRA	Gaps to be filled
	views of potential project-affected persons and communities		
6	Preparation of a Resettlement plan and Census Survey to address adverse IR impacts.	Provision for preparation of Rehabilitation and Resettlement Scheme under section, which is similar to RP.	
7	Consultation with affected persons	Proposed in different sections throughout the bill, Section 17, para 4, Section 4 para 1 to give a few instances.	No major gaps as both require meaningful consultation with all stakeholders, participation in planning and implementation of the resettlement program  Consultation and Participation Plan is to be prepared and implemented in the program for each subproject.
8	Disclosure of involuntary resettlement information to stakeholders	Provisions for disclosure is there -Publication of SIA study under Section 6, Publication of the Rehabilitation and Resettlement Scheme under section 19	
9	All compensation to be paid prior to displacement and the commencement of civil work.	Possession of land is after the collector ensures full payment of compensation as well as resettlement benefits to be paid within 3 months for compensation or 6 months for other benefits from the date of award.	All compensation to be paid before start of civil works
10	Special assistance for vulnerable households.	There are specific provisions for scheduled Castes and Scheduled Tribes under Section 42, plus additional benefits as given in Second Schedule	Covers other groups such as women headed households, disabled/ elderly headed households and families categorized as BPL.
11	Other Allowance such as subsistence/ transition, shifting allowance	Provisions for all allowance given in Second Schedule.	No major gaps. Subsistence and shifting allowances provided for in the EM.
12	Livelihood restoration	Provides for training and livelihood restoration measures under Second Schedule which also includes a job in the project activities if the scope is available.	Refer discussion under serial no. 4, cut-off date.
13	Grievance Redressal Mechanism.	The bill has a detailed grievance mechanism proposed at all levels starting from the gram sabha up to the Government level.	No major gaps as both provide for grievance redress mechanism to be available equally to all stakeholders and throughout the planning

Sl. No.	ADB's SPS	RFCTLARRA	Gaps to be filled
			and implementation phase. Grievance redress mechanism shall be part of project implementation.
14	Monitoring	Monitoring is only proposed at the national level.	Regular monitoring at the project level is proposed.

### **G. Gap between the State Government's Policies and ADBs Safeguard Policy Statement 2009**

15. The State Government's LA Rules 2014 are in line with the RFCTLARR Act and clearly delineate the administrative processes to operationalise the RFCTLARR at district level. The gaps are the same as those analysed for the 2013 Central Act. Gap filling measures are indicated in Table 1 above. In addition, the State Government has a policy of payment of compensation to private landowners for user rights for underground pipe laying, while ownership remains with the private landowners, avoiding involuntary/forcible land acquisition. This RF recommends documentation of consultations with the concerned landowners from whom user rights to lay underground pipes are sought, and inclusion of evidence of compensation payment to them as specified by the policy in the due diligence report / resettlement plan, as applicable.

### **III. INVOLUNTARY RESETTLEMENT SAFEGUARD PRINCIPLES FOR THE PROJECT**

16. Based on the ADBs SPS 2009 and the RTFLARRA the following resettlement principles are adopted for this project:

- (i) Screening of the project to identify involuntary resettlement impacts and risks. Minimizing and avoiding resettlement impacts of each subproject by exploring all viable alternative designs.
- (ii) Carrying out consultations with affected persons, host communities and non-government organizations; informing all displaced persons of their entitlements and resettlement options; ensuring their participation in planning, implementation, and monitoring and evaluation of resettlement programs.
- (iii) Where the resettlement impacts are unavoidable, the DPs should be assisted in improving or at least regaining their standard of living.
- (iv) Vulnerable groups, including below poverty line (BPL) households, women-headed households, Scheduled Caste/Scheduled Tribe households, disabled and elderly-headed households will be given special assistance to improve their socioeconomic status.
- (v) The absence of formal title to land is not a bar to policy entitlements.
- (vi) Compensation for all lost assets acquired or affected is based on the principle of replacement cost.
- (vii) Restoration of livelihoods and residences of the DPs will be facilitated with adequate resources and with a time-bound action plan in coordination with civil works.
- (viii) DPs are to be assisted in integrating economically and socially into host communities where physical displacement takes place, so that adverse impacts on the host communities are minimized and social harmony are promoted.

- (ix) All payments, including compensation for loss of land, assets, structures, trees, income, and common properties will be made prior to physical or economic displacement and commencement of civil construction work.
- (x) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner to affected persons and other stakeholders. Disclose the final resettlement plan and other documents such as the monitoring reports to affected persons and other stakeholders.

17. In accordance with the involuntary resettlement principles of this Resettlement Framework, all affected persons will be entitled to compensation/resettlement assistance. Compensation and assistance will be based on the nature of ownership rights on lost assets and the impacts, including vulnerability status of the affected persons.

#### **IV. SCREENING AND CATEGORIZATION OF SUBPROJECTS**

18. Following the RFCTLARRA 2013, state policies and regulations and incorporating ADB's Safeguard Policy Statement, 2009, the basic principles for the Project will include these elements with respect to each sub-project, namely (i), land acquisition, and other involuntary resettlement impacts would be minimized as much as possible; (ii) any land acquisition and/or resettlement will be carried out and compensation provided in order to improve or at least restore the pre-Project income and living standards of the affected people; (iii) consultation with affected people on compensation options; (iv) payment of compensation for acquired assets at market/replacement rates; (v) payment of compensation for lost land, housing, assets and resettlement allowances in full prior to the contractor taking physical acquisition of the land and prior to the commencement of any construction activities; (vi) resettlement assistance to APs including non-titled persons (e.g., informal dwellers/squatters, and encroachers) prior to the contractor taking physical acquisition of the land and prior to the commencement of any construction activities; (vii) income restoration and rehabilitation; (viii) establishment of appropriate grievance redress mechanisms to ensure speedy resolution of disputes; (ix) special attention to vulnerable groups; and, (x) involvement of women in all activities related to resettlement planning, implementation, and monitoring.

19. The sub-projects to be taken up for implementation in the Project may have broadly two types of impacts that will require mitigation measures. The types of impacts are (i) loss of land and related assets; and (ii) loss of livelihood or income opportunities.

20. Displacement under the sub-projects will be limited to the area required for the sub-projects and their safety zones, referred to as the direct impact zone. Only structures and other encumbrances within this zone will be removed for the Project. Every effort will be made during the preparation of the detailed design to minimize acquisition of land and other assets and to reduce negative socio-economic impact. The structures and assets falling outside the direct impact zone will be left undisturbed. Impacts, unforeseen to the structures or assets outside will also be compensated in accordance to the principles of this RF.

21. A detailed description of each compensation measure and assistance is provided in the entitlement matrix. The affected households will be entitled to a combination of compensation measures and resettlement assistance, depending on the nature of ownership rights of lost assets and scope of the impact, including social and economic vulnerability of the APs.

22. ADB's Involuntary Resettlement Impact Screening Checklist (**Appendix 6**) will be adopted for the subproject. Screening will be conducted immediately after identification of

project site. If the screening is done simultaneously when the project site is being identified then the magnitude of impacts can be estimated and if required alternative options can be examined. This will be done by Design Consultants and submitted to PMU. Based on the ADB's Operational Manual Section F1/Operational Procedures<sup>8</sup> the following criteria for screening and categorization of subprojects will be followed:

- (i) **Category A.** A proposed project is classified as category A if it is likely to have significant involuntary resettlement impacts. A resettlement plan, including assessment of social impacts, is required.
- (ii) **Category B.** A proposed project is classified as category B if it includes involuntary resettlement impacts that are not deemed significant. A resettlement plan, including assessment of social impacts, is required.
- (iii) **Category C.** A proposed project is classified as category C if it has no involuntary resettlement impacts. No further action is required.
- (iv) **Category FI.** A proposed project is classified as category FI if it involves the investment of ADB funds to, or through, a financial intermediary.

23. The subproject's involuntary resettlement category is determined by the magnitude of involuntary resettlement impacts. The involuntary resettlement impacts of ADB-supported projects are considered significant if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating). The level of detail and comprehensiveness of the resettlement plan will be commensurate with the significance of the potential impacts and risks. For Category A and B subprojects, a resettlement plan is required. For category C project a Due Diligence Report is required. Specifically for Madhya Pradesh Urban Services Improvement Project, any proposed subproject which categorized as A for IR impacts will not be eligible for project financing and excluded from MPUSIP proposed subproject.

24. Measures will be undertaken to avoid and minimize involuntary resettlement impacts including, exploring all viable alternative for subproject designs and alternative sites or locations for subproject components to ensure that land acquisition and other involuntary resettlement impacts are avoided or minimized. These measures and criteria will be applied and rehabilitation within existing facility premises will be prioritized over new construction so as not to require land acquisition and result in resettlement impacts. A due diligence report (DDR) will be prepared to confirm the absence of IR impacts for each proposed subproject for review and approval and will be disclosed on the project website. Based on thorough survey of all possible site alternatives, subproject components will be proposed on vacant government land, where available.

## V. NEGOTIATED SETTLEMENT

25. In line with ADB SPS 2009, this framework does not apply to negotiated settlements. The policy encourages acquisition of land and other assets through a negotiated settlement wherever possible based on consultation<sup>9</sup> with affected persons including those without title to assets, in line with state government policy. A negotiated settlement will offer adequate and fair

<sup>8</sup> Issued on 1<sup>st</sup> October 2013.

<sup>9</sup> A process that (i) begins early in the project preparation stage and is carried out throughout the project cycle; (ii) provides timely disclosure of information that is understandable and accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design and mitigation measures.



price for land and other assets. In accordance with State policy, involuntary or forcible land acquisition is avoided through negotiated settlement. Also, in case of negotiated settlement, in line with ADB requirements, an independent external party will be engaged by the implementing agency to document the negotiation and settlement processes. The principles of this framework with regard to meaningful consultation processes, mechanisms for calculating the replacement cost of land and other assets affected and record-keeping requirements will be followed during the negotiated settlement.

26. The process of negotiation involves the following steps: (i) negotiation will take place when there is a willing buyer – willing seller; (ii) consultation with the affected person has to be carried out and documented; (iii) the minimum negotiated price to start negotiations will be not below the valuation of land based on the market value of land; (iv) all the safeguards as mentioned in the RF has to be followed (v) all negotiations has to be carried out in a transparent manner and validated by a Third Party (eminent citizen / any party without any interest in the process, appointed by the PMU);(vi) in case of failure of negotiations compensation will be paid as outlined in the Entitlement Matrix of the RF and (viii) the entire process has to be documented. The third party will have to submit reports during and on conclusion of negotiations; costs related to third party certification will be borne by the project proponent.<sup>10</sup> The land transfer and updated records of the purchased lands will have to be completed prior to the start of civil works. Negotiated purchase from vulnerable households shall be avoided unless the purchase will significantly improve the social and economic status of the land owners.

## **VI. VOLUNTARY LAND DONATION<sup>11</sup>**

27. In many cases ADB funded projects are based on the concept of land donation. In the case of land donation which the community or affected person agrees to donate a part of their land for the project an independent external party will have to be engaged to ensure and validate these requirements: (i) The donation will not cause significant impacts on the livelihood of the donor(s) and the donor is fully understood on the value of their donated land(s); (ii) the donation does not come from the land owner categorized as poor or vulnerable family; (iii) the donation will not cause any economical or physical displacement (legal or illegal) of the current land users; (iv) the land donor(s) will get direct benefits from the proposed project activities; (v) meaningful consultations are conducted with the land owner(s); and (vi) the land donation(s) does not come from coercion or asymmetrical power relation between the land owner(s) and the government. The above information has to be included in a due diligence report to be prepared by the external party, preferably from reputed and qualified NGO, for ADB review and approval. For all lands donated, the government shall bear stamp duty on registration. The land transfer and updated records of the donated lands will have to be completed prior to the start of civil works. No land donation by vulnerable households shall be undertaken for the project.<sup>12</sup>

## **VII. ELIGIBILITY, ENTITLEMENTS AND BENEFITS**

### **A. Eligibility**

28. The following displaced persons are eligible for compensation, assistance, and benefits. All persons described in the definition of a family as given in the RFCTLARRA will be also be

<sup>10</sup> The sample TOR of third independent external party is in the Appendix 7 of this document.

<sup>11</sup> This includes donation of other type of assets attached to the land.

<sup>12</sup> The TOR of third independent external party is in the Appendix 7 of this document

eligible for assistance/compensation in addition to those mentioned in this section. Eligible persons include:

- (i) persons who lost land/assets/income in their entirety or in part, who have formal legal rights to the land;
- (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws, e.g. tenants and leaseholders;
- (iii) persons occupying land over which they neither have legal title, nor have claims recognized or recognizable under national law e.g. squatters, encroachers, wage labour without formal contracts; and
- (iv) vulnerable households, defined as women-headed households and households below the poverty line (BPL), scheduled caste/scheduled tribe households, disabled/elderly headed households.<sup>13</sup>

## **B. Entitlements, Assistance and Benefits**

29. The Project entitlement policy addresses the direct and indirect impacts of project construction and operation on displaced persons, households and communities. The most direct and immediate impacts are those associated with project construction, mainly land acquisition, loss of livelihood and loss of residences. Other losses include loss of other assets such as cattle sheds, water sources etc. and common property resources. Mitigation is provided through compensation and assistance to project-displaced persons, households, and group on the basis of this policy framework adopted by the project. The policy provides mitigation for:

- (i) loss of assets, including land and house or work place;
- (ii) loss of livelihood or income opportunities;
- (iii) Collective impacts on groups, such as loss of community assets, common property resources, and others; and
- (iv) Temporary impacts or disruptions due to project construction work.

30. Compensation eligibility is limited by a cut-off date. The cut-off date for non- title-holders, is the date of the start of the census survey, during preparation of the Draft Resettlement Plan. The date of Land Acquisition Notification under Section 11 of the RFCTLARRA will be the cut-off date for all titleholders losing land and structures. The project Entitlement Matrix (Table 2) identifies and lists various types of losses resulting out of the project and specific compensation and resettlement packages for each category.

31. Damages/unanticipated losses caused during construction, if any will be eligible for compensation. Such issues will be identified and closely monitored by the Safeguard Monitoring Unit of the PMU. Compensation for damages during construction will be borne by the contractor. Unanticipated losses, if any, will be mitigated / compensated as per the Entitlement Matrix of this RF. Loss of drinking water, sanitation and/or any other facility due to damage of existing infrastructure during construction will be mitigated through provision of alternate facilities (e.g. alternate means of water supply). The time gap between transfer from old system to new in certain areas will be minimized to avoid inconvenience to the public.

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<sup>13</sup> As per a report published by the Planning Commission, Government of India, the state-specific poverty line for rural and urban Madhya Pradesh in 2011-12 as per Rangarajan Committee was INR 941.7 and INR 1341.3 per capita per month (Report of the Expert Group to Review the Methodology for Measurement of Poverty, Government of India, Planning Commission, 2014). On adjusting for inflation, the poverty line in 2016-17 is estimated as INR 1162 per capita per month in rural areas and INR 1654 in urban areas of Madhya Pradesh, respectively.

**Table 2: Entitlement Matrix**

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
<b>1.</b>	<b>Loss of Private Land</b>					
1.a	Loss of private land	Agricultural land <sup>14</sup> , homestead land or vacant plot	Legal title holders/ Traditional titleholders <sup>15</sup>	<ul style="list-style-type: none"> <li>• Compensation at replacement/market value as specified in the LARR Act, 2013 or land-for-land where feasible. If land-for-land is offered, titles will be in the name of original landowners.</li> <li>• Compensation at replacement cost for any investment made to land</li> <li>• Solatium to be paid at 100 percent of the compensation amount</li> <li>• If the residual plot(s) is (are) not viable, any of the following three options are to be given to the affected person, subject to acceptance: <ul style="list-style-type: none"> <li>• Option 1 - The affected person remains on a portion of the plot and compensation is paid only for the amount of land acquired.</li> <li>• Option 2- The affected person remains on a portion of the plot, and the compensation is paid for</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Vulnerable households will be identified during the census. Compensation covers all taxes and fees.</li> </ul>	<ul style="list-style-type: none"> <li>• The Valuation Committee will determine compensation as per the procedures outlined in the subsequent sections of this document.</li> <li>• PMU will ensure provision of notices. PIU with support of PMC will verify the extent of impacts through a 100% survey of APs, determine assistance, and identify vulnerable HHs.</li> </ul>

<sup>14</sup>The LARR, 2013 Act says no irrigated multi cropped land shall be acquired under this Act, except in exceptional circumstances, as a demonstrable last resort. Wherever such land is acquired, an equivalent area of culturable wasteland shall be developed for agricultural purposes or an amount equivalent to the value of land acquired shall be deposited with the appropriate Government for investment in agriculture for enhancing food-security. Such costing shall also be reflected in the Resettlement Budget.

<sup>15</sup> Traditional land rights refer to households with customary rights to land, and shall be treated equivalent to title holders

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>all the remaining land, which will be acquired if the AP so desires.</p> <ul style="list-style-type: none"> <li>• Option 3 - Compensation to be provided for the entire plot including residual part, if the owner of such land wishes that the residual plot should also be acquired by the executing agency.</li> <li>• All displaced families will receive monthly subsistence allowance of INR 3,000<sup>16</sup> for one year (total INR 36,000) from the date of award.</li> <li>• One-time resettlement allowance<sup>17</sup> of Rs. 50,000 per affected family<sup>18</sup></li> <li>• Choice of annuity or employment: Each affected family shall be eligible for choosing one time assistance option – (i) where jobs are created through the project, after providing suitable training and skill development in the required field, make provision for employment at a rate not lower than the</li> </ul>		

<sup>16</sup> The LARR Act, 2013 provides for monthly subsistence allowance equivalent to three thousand rupees per month for a period of one year from the date of award.

<sup>17</sup> The LARR Act, 2013 specifies that each affected family shall be given a one-time resettlement allowance of Rs. 50,000.

<sup>18</sup> 'Affected Family' includes a person, his or her spouse, minor children, minor brothers and minor sisters dependent on the household head. Widows, divorcees and women deserted by families shall be considered a separate family. An adult of either gender with or without spouse or children or dependents shall be considered as a separate family – as defined under LARR Act, 2013

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>minimum wages provided for in any other law for the time being in force, to at least one member per affected family in the project or arrange for a job in such other project as may be required; or (ii) one-time payment of INR 500,000 per affected family; or (iii) annuity policies that shall pay not less than INR 2,000 per month per family for twenty years, with appropriate indexation to the Consumer Price Index for Agricultural Labourers</p> <ul style="list-style-type: none"> <li>All affected families will receive compensation for: (i) damage to land/quality of land (if any) sustained by reason of severing land proposed for acquisition or adjoining lands from/to affected land; calculated from the date of the preliminary notification till the date of final award; (ii) diminution of the profits of the land between the time of the publication of the Declaration for taking possession of land and the time of the Collector's taking actual possession of the land; and (iii) compensation incidental to such change if the affected</li> </ul>		

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>landowner is compelled to change his place of</p> <ul style="list-style-type: none"> <li>• Compensation for affected plants and trees (refer Section D of the Matrix);</li> <li>• Compensation for affected standing crops will be provided at market value (refer Section D of the Matrix);</li> <li>• All fees, stamp duties, taxes, and other charges, as applicable under the relevant laws, incurred in the relocation and rehabilitation process, are to be borne by the implementing agency.</li> </ul>		
<b>1.b</b>	Loss of private land	Agricultural land, homestead land or vacant plot	Tenants and leaseholders (whether having written tenancy/lease documents or not / sharecroppers	<ul style="list-style-type: none"> <li>• Reimbursement of rental deposit or unexpired lease - such amount will be deducted from the compensation of land owners</li> <li>• Compensation at full replacement cost for lost assets, irrigation infrastructure and other improvements made to the land by the AP.</li> <li>• One-time resettlement allowance of INR 50,000 for those who become marginal framers or landless, or those who need to relocate</li> </ul>	<ul style="list-style-type: none"> <li>• Land owners will reimburse tenants and leaseholders land rental deposit or unexpired lease and will provide proof of such reimbursement to the project.</li> <li>• Vulnerable households will be identified during the census.</li> </ul>	<p>PIU will confirm land rental/lease and ensure tenants and lease holders receive reimbursement for land rental deposit or unexpired lease.</p> <p>PMU though PIU will ensure provision of notice.</p>

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>due to acquisition.</p> <ul style="list-style-type: none"> <li>• One-time financial assistance of INR 50,000 as transportation cost for shifting</li> <li>• Choice of annuity or employment – the following options are to be provided:               <ul style="list-style-type: none"> <li>(i) where jobs are created through the project, after providing suitable training and skill development in the required field, make provision for employment at a rate not lower than the minimum wages provided for in any other law for the time being in force, to at least one member per affected family in the project or arrange for a job in such other project as may be required; or</li> <li>(ii) one-time payment of INR 500,000 per affected family; or</li> <li>(iii) annuity policies that shall pay not less than INR 2,000 per month per family for twenty years, with appropriate indexation to the Consumer Price Index for Agricultural Laborers;</li> </ul> </li> </ul> <p>This entitlement will be provided to those who have</p>		

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>been utilizing the land for income generation continuously for the last 3 years from the date of notification.</p> <ul style="list-style-type: none"> <li>• A monthly subsistence allowance equivalent to INR 3,000 per month for a period of one year from the date of award will be provided;</li> <li>• Notice to harvest standing seasonal crops. If notice cannot be given, compensation for loss of crops will be provided;</li> </ul>		
<b>1c.</b>	Loss of private land	Agricultural land, homestead land or commercial or mixed use land	Encroachers	<ol style="list-style-type: none"> <li>1. Encroachers will be notified and given 60 days advance notice to remove their assets.</li> <li>2. Compensation for affected structures at replacement value calculated as per the latest prevailing basic schedule of rates (BSR) without depreciation.</li> <li>3. Right to salvage material from the demolished structure at no cost.</li> <li>4. Additional assistance for vulnerable households (refer to #7 in this matrix).</li> </ol>	<ul style="list-style-type: none"> <li>• Vulnerable households will be identified during the census conducted as part of the RP.</li> </ul>	PIU/PMC will identify vulnerable households. PMU through PIU will ensure provision of notice.
<b>1d.</b>	Loss of private land	Agricultural land, homestead land or commercial or mixed use land	Squatters	<ol style="list-style-type: none"> <li>1. Squatters will be notified and given 60 days advance notice to remove their assets.</li> <li>2. Compensation for affected structures at replacement</li> </ol>	<ul style="list-style-type: none"> <li>• Vulnerable households will be identified during the census</li> </ul>	PMU through PIU will ensure provision of notice. PIU/PMC will identify vulnerable households.



	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>value calculated as per the latest prevailing basic schedule of rates (BSR) without depreciation.</p> <p>3. Right to salvage material from demolished structure at no cost.</p> <p>4. A lump sum shifting assistance of Rs10,000 will be provided</p> <p>5. Additional assistance for vulnerable households (refer to #7 in this matrix).</p>	conducted as part of the RP.	
<b>1.e</b>	Limited use of land	Private lands affected by Government underground cables and pipes	Legal title holders/ Traditional titleholders <sup>19</sup>	<p>1. Compensation of 15% of the market value of the land on the date of declaration, and interest on the compensation amount if works are not completed within the stipulated time.</p> <p>2. Compensation for crops and trees and any other loss/damage to the land or property as a result of such work (refer to # 3, 4, 5)</p> <p>3. Additional assistance for vulnerable households (refer to #7 in this matrix).</p>	Compensation to be paid to the owner within 30 days of issue of declaration. <sup>20</sup>	PMU through PIU will ensure provision of notice.

<sup>19</sup> Traditional land rights refer to households with customary rights to land, and shall be treated equivalent to title holders

<sup>20</sup> <http://www.mp.gov.in/en/web/revenue/policies> (<http://www.mprevenue.nic.in/documents/10192/5815895/4.pdf>)

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
2	<b>Loss of Government Land</b>					
2.a	Loss of Government land	Vacant plot, Agricultural land, homestead land	Leaseholders	<ul style="list-style-type: none"> <li>• Compensation for rental deposit or unexpired lease (such amount will be deducted from the compensation of the lessee).</li> <li>• All displaced families will receive monthly subsistence allowance of Rs. 3,000 for one year (total Rs. 36,000) from the date of award</li> <li>• Compensation for any investment made to the land</li> <li>• One-time resettlement allowance of INR 50,000</li> <li>• All affected families will receive compensation for: (i) damage to land/quality of land (if any) sustained by reason of severing land proposed for acquisition or adjoining lands from/to affected land; calculated from the date of preliminary notification till the date of final award; (ii) diminution of the profits of the land between the time of the publication of the Declaration for taking possession of land and the time of the Collector's taking actual possession of</li> </ul>	Vulnerable households will be identified during the census.	PMU through PIU will ensure provision of notice. PIUs will identify vulnerable households with the assistance of PMC.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>the land; and (iii) compensation incidental to such change if affected leaseholder is compelled to change his place of residence or business due to proposed land acquisition;</p> <ul style="list-style-type: none"> <li>• Notice to harvest standing seasonal crops, if any. If notice cannot be given, compensation for loss of crops will be provided</li> <li>• One-time financial assistance of INR 50,000 as transportation cost</li> <li>• In the event of permanent livelihood impact to leaseholder, choice of annuity or employment as per item #6 of this matrix.</li> <li>• Additional assistance for vulnerable households (refer to #7 in this matrix).</li> </ul>		
<b>2.b</b>	Loss of Government land	Vacant plot, RoW of road	Encroachers <sup>21</sup>	<ul style="list-style-type: none"> <li>• Encroachers will be given 60 days advance notice to remove their assets</li> <li>• Compensation at replacement cost for any investment made to the land;</li> <li>• Notice to harvest standing seasonal crops. If notice cannot be given,</li> </ul>	<ul style="list-style-type: none"> <li>• The date of the census survey will serve as cut-off date for non-titleholders.</li> <li>• Vulnerable households</li> </ul>	PMU through PIU will ensure the provision of notice. PIUs will identify vulnerable households with the assistance of PMC.

<sup>21</sup> Encroachers are those who build a structure which is in whole or in part on an adjacent property, to which he/she has no title.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>compensation for loss of crops will be provided</p> <ul style="list-style-type: none"> <li>Additional assistance to vulnerable households (refer to #7 in this matrix).</li> </ul>	<p>will be identified during the census.</p>	
<b>2c.</b>	Loss of Government land	Vacant plot, RoW of road	Squatters <sup>22</sup>	<ul style="list-style-type: none"> <li>Squatters will be notified and given 60 days advance notice to remove their assets.</li> <li>A lump sum shifting assistance of Rs 10,000 will be provided.</li> <li>Additional assistance to vulnerable households.</li> </ul>	<ul style="list-style-type: none"> <li>Vulnerable households will be identified and provided assistance as required (see entitlement # 7 of this matrix).</li> </ul>	PMU through PIU will ensure provision of notice. PIU/PMC will identify vulnerable households.
<b>3.</b>	Loss of Residential Structures					
<b>3.a</b>	Loss of residential structure	Residential structure <sup>23</sup> and other assets <sup>23</sup>	<p>Legal titleholders;</p> <p>Family with traditional land right; and</p> <p>Those without homestead land<sup>24</sup></p>	<ul style="list-style-type: none"> <li>If a house is lost in a rural area, a constructed house shall be provided as per the <i>Indira Awas Yojana</i> specifications or the equivalent cost of the house;</li> <li>In urban areas, a constructed house shall be provided, which will be not less than 50 square meters</li> </ul>	<ul style="list-style-type: none"> <li>Compensation includes all taxes and fees.</li> <li>Vulnerable households will be identified during the census.</li> </ul>	<ul style="list-style-type: none"> <li>Valuation committee will verify replacement value.</li> <li>PIU/PMC will verify the extent of impacts through a 100% survey of affected households and determine assistance, and identify</li> </ul>

<sup>22</sup> Squatters are those who have no recognizable rights on the land that they are occupying.

<sup>23</sup> Other assets include, but is not limited to walls, fences, sheds, wells, etc.

<sup>24</sup> Who have been residing in the area continuously for a period of not less than three years preceding the date of notification

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>in plinth area or a one-time financial assistance for house construction, which shall not be less than INR 150,000;</p> <ul style="list-style-type: none"> <li>• The replacement value of the structure will be provided, calculated without depreciation as per the latest prevailing Schedule of Rates adjusted for inflation from the year of publication;</li> <li>• Where the loss of structure is partial and the remaining structure is unviable, compensation will be based on the total structure and benefits will be given as mentioned in this section;</li> <li>• One-time financial assistance of INR 50,000 as transportation cost for shifting;</li> <li>• A monthly subsistence allowance equivalent to INR 3,000 per month for a period of one year (total INR. 36,000) from the date of award will be provided</li> <li>• Right to salvage material from the demolished structure at no cost;</li> <li>• Rental assistance<sup>25</sup> until an alternative house is ready;</li> <li>• Each affected family shall</li> </ul>		vulnerable households

<sup>25</sup> Rental assistance will be based on rental prices in the area of current residence of the AP, and will be fixed by the PIU in discussion with the PMU and PMC.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>be given a one-time Resettlement Allowance of INR50,000 in case of relocation.</p> <ul style="list-style-type: none"> <li>For the loss of cattle shed a one-time assistance of INR25,000 to be provided. All fees, taxes and other registration charges incurred for the replacement structure shall be borne by the implementing agency.</li> </ul>		
3.b	Loss of residential structure	Residential structure and other assets	Tenants and leaseholders	<ul style="list-style-type: none"> <li>Rental assistance for a period of three months.</li> <li>One-time financial assistance of INR50,000 as transportation cost for shifting;</li> <li>A monthly subsistence allowance equivalent to INR3,000 per month for a period of one year (total INR. 36,000) from the date of award will be provided;</li> <li>Each family will be provided with a one-time Resettlement Allowance of INR50,000, in case of relocation; Any additional structures erected by tenants will also be compensated and deducted from owner's compensation amount;</li> <li>Any advance deposited by the tenant to the landlord will be deducted from land</li> </ul>	<ul style="list-style-type: none"> <li>Land/structure owners will reimburse tenants and leaseholders rental deposit or unexpired lease.</li> <li>Vulnerable households will be identified during the census.</li> </ul>	<ul style="list-style-type: none"> <li>Valuation committee will verify replacement value.</li> <li>PIU/PMC will verify the extent of impacts through a 100% surveys of affected households determine assistance, and verify identify vulnerable households</li> </ul>

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>lord/owner's total compensation package on submission of documentary evidence;</p> <ul style="list-style-type: none"> <li>For the loss of cattle shed a one-time assistance payment of INR25,000 to be provided</li> <li>Right to salvage material from demolished structure, erected by tenants.</li> </ul>		
<b>3.c</b>	Loss of residential structure	Residential structure and other assets	Squatters, encroachers	<ul style="list-style-type: none"> <li>Squatters and encroachers will be given 60 days advance notice to remove their assets</li> <li>Replacement cost of structure constructed by the squatter</li> <li>Right to salvage materials from structure and other assets</li> <li>A lump sum shifting assistance of Rs. 25,000 will be provided.</li> <li>•</li> <li>Additional assistance to Vulnerable Households</li> </ul>	<ul style="list-style-type: none"> <li>Non-titleholders will be eligible for compensation when they are found residing at the land on the date of the census / cut-off date</li> <li>Vulnerable households will be identified during the census.</li> </ul>	PIU/PMC will verify the extent of impacts through 100% census survey of APs/AHs, determine assistance, and identify
<b>4</b>	<b>Loss of Commercial Structures</b>					
<b>4.a</b>	Loss of commercial structure	Commercial structure and other assets	Legal titleholders and those with traditional land rights	<ul style="list-style-type: none"> <li>The replacement value of the structure, calculated as per the latest prevailing Schedule of Rates without depreciation; One-time grant</li> </ul>	<ul style="list-style-type: none"> <li>Compensation accounts for all taxes and fees, and does not account</li> </ul>	<ul style="list-style-type: none"> <li>Valuation Committee will determine replacement value.</li> <li>PIU/PMC will verify</li> </ul>

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>of a minimum of INR 25,000<sup>26</sup> for self-employed persons, artisans, traders etc.</p> <ul style="list-style-type: none"> <li>• One-time Resettlement Allowance of Rs. 50, 000.</li> <li>• A monthly subsistence allowance equivalent to INR 3,000 per month for a period of one year (total INR. 36,000) from the date of award will be provided.</li> <li>• Right to salvage material from the demolished structure at no cost;</li> <li>• One-time financial assistance of INR 50,000 as transportation cost for shifting;</li> <li>• Rental assistance will be provided<sup>27</sup> at prevalent market rate for the space/location (on a square foot basis equivalent to the space lost at the location), for a period of three months</li> <li>• All fees, taxes and other registration charges incurred for the replacement structure shall be borne by the implementing agency.</li> </ul>	<p>for any depreciation.</p> <ul style="list-style-type: none"> <li>• Vulnerable households will be identified during the census.</li> </ul>	<p>the extent of impacts through 100% census survey of APs/AHs to determine the compensation package.</p>

<sup>26</sup>Based on the LARR Act, 2013.

<sup>27</sup> Rental assistance will be fixed based on the rental prices of the area of current commercial establishment of the AP, and will be fixed by the PIU after discussions with the PMU, and the PMC.



	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
4.b	Loss of commercial structure	Commercial structure and other assets	Tenants and leaseholders	<ul style="list-style-type: none"> <li>Rental assistance will be provided at the prevalent rate of the area on a square feet basis equivalent to the space lost, for a period of three months;</li> <li>One-time financial assistance of INR 50,000 as transportation cost for shifting;</li> <li>A monthly subsistence allowance equivalent to INR 3,000 per month for a period of one year from the date of award will be provided;</li> <li>Any advance deposited by the tenant to the landlord will be deducted from landlord/owner's total compensation package on submission of documentary evidences; and</li> <li>Right to salvage material from demolished structure, erected by tenants.</li> <li>Replacement cost of part/whole of structure constructed by the tenant/leaseholder, and this will be deducted from the compensation amount of the owner.</li> </ul>	<ul style="list-style-type: none"> <li>Land/structure owners will reimburse tenants and leaseholders the land rental deposit or unexpired lease, and provide proof of such reimbursement to the PIU.</li> <li>Vulnerable households will be identified during the census.</li> </ul>	PIU/PMC will verify the extent of impacts through a 100% survey of APs to determine assistance, verify and identify vulnerable peoples/ households.
4.c	Loss of commercial structure	Commercial structure and other assets	Squatters and Encroachers	<ul style="list-style-type: none"> <li>Squatters and encroachers will be given 60 days advance notice to remove their assets</li> </ul>	<ul style="list-style-type: none"> <li>Non-titleholders will be eligible for compensation when they have</li> </ul>	PIU/PMC will verify the extent of impacts through a 100% survey of APs/AHs to determine assistance,

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<ul style="list-style-type: none"> <li>Replacement cost of structure constructed by the squatter/encroacher</li> <li>Right to salvage materials from structure and other assets</li> <li>A lump sum shifting and transitional assistance of Rs.25,000 will be provided.</li> <li>Additional assistance to vulnerable households</li> </ul>	<ul style="list-style-type: none"> <li>a commercial establishment / structure on the date of the census survey / cut-off date.</li> <li>Vulnerable households will be identified during the census.</li> </ul>	verify and identify vulnerable people/ households.
<b>5</b>	<b>Loss of Crops and Trees</b>					
<b>5.a</b>	Loss of trees and crops	Standing trees and crops	Titleholders, sharecroppers, leaseholders, encroachers and squatters	<ul style="list-style-type: none"> <li>APs will be notified and given 60 days advance notice to remove trees. For seasonal crops and fruit trees six months' notice is to be given;</li> <li>Compensation for trees at prevalent market rates<sup>28</sup>, to be calculated as annual net product value multiplied by the number of productive years remaining; <ul style="list-style-type: none"> <li>Compensation for trees at prevalent market rates,<sup>29</sup> to be calculated as annual net product value multiplied by number of productive years remaining. <ul style="list-style-type: none"> <li>Compensation at</li> </ul> </li> </ul> </li> </ul>	Harvesting prior to acquisition will be accommodated to the extent possible. Work schedules will avoid harvest season. Market value of trees/ crops has to be determined.	PMU through PIU will ensure provision of notice. The valuation of trees and compensation rates will be finalized on the basis of market survey or on the basis of valuation by the Horticulture/Forest Department and in consultation with APs

<sup>28</sup> Valued by an experienced person from the field of agriculture or Horticulture Department

<sup>29</sup> Valued by an experienced person in the field of horticulture/forestry etc.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>market value of timber in case of timber-bearing trees.</p> <ul style="list-style-type: none"> <li>○ For fruit bearing trees compensation to be calculated at market value of annual net product multiplied by the number of productive years.</li> <li>• Compensation for one-year net harvest for seasonal fruit trees at prevalent market rates.<sup>30</sup> <ul style="list-style-type: none"> <li>• <sup>30</sup></li> </ul> </li> <li>• Compensation for one-year net harvest for seasonal crops at prevalent market rates;<sup>31</sup></li> <li>• In case of trees/crops planted by non-titleholders, compensation will be given.</li> </ul>		
<b>6</b>	<b>Loss of Livelihood</b>					
<b>6.a</b>	Loss of livelihood	Permanent loss of livelihood to business owners/operators or self-employed persons	All APs facing loss of livelihood, irrespective of title (owners/tenants and leaseholders, with or without written tenancy/lease documents	<ul style="list-style-type: none"> <li>• Choice of annuity or employment – the following options are to be provided: <ul style="list-style-type: none"> <li>(a) where jobs are created through the project, 'after providing suitable training and skill development in the required field, make provision for employment</li> </ul> </li> </ul>	Non-titleholders will be eligible for compensation.	<p>PIU/PMC will verify the extent of impacts through a 100% survey of APs.</p> <p>PMU will ensure coordination with government departments and convergence wit</p>

<sup>30</sup>To be valued by persons experienced in the field of horticulture, forestry etc. as necessary

<sup>31</sup> To be valued by persons experienced in the field of agriculture.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>at a rate not lower than the minimum wages provided for in any other law for the time being in force, to at least one member per affected family in the project or arrange for a job in such other project as may be required; or</p> <p>(b) onetime payment of Rs.5,00,000 per affected family; or</p> <p>(c) annuity policies that shall pay not less than Rs.2000.00 per month per family for twenty years, with appropriate indexation to the Consumer Price Index for Agricultural Labourers.</p> <ul style="list-style-type: none"> <li>•Preference for employment opportunity for affected persons in the project construction work, if so desired by them.</li> <li>•One time grant of a minimum of Rs. 25, 000<sup>32</sup> for self-employed persons, artisans and small traders.</li> <li>•Training would be provided for income generating vocational training and skill improvement options based on the choice of</li> </ul>		government social security schemes

<sup>32</sup> Based on the RFCTLARRA.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				the affected person at Rs 20,000 <sup>33</sup> per family. This cost would be directly paid by the project to the training institute OR purchase of income generating assets up to Rs.40,000 <sup>34</sup> .		
<b>6b</b>	Loss of livelihood	Permanent loss of employment	Wage-earning employees affected due to permanent displacement of commercial structure (those working in businesses such as petty shops, eateries etc.)	<ul style="list-style-type: none"> <li>•One-time financial assistance for lost income based on 6 months subsistence allowance at Rs. 18,000<sup>35</sup> per affected person.</li> <li>•Preference for employment opportunity for Affected Persons in project construction work, if so desired by them.</li> </ul>	Vulnerable persons will be identified during the census/income survey and provided additional assistance as per item 7 in this EM.	
<b>7</b>	<b>Impact on Vulnerable Affected Persons (APs)</b>					
<b>7.a</b>	Impacts on vulnerable affected persons <sup>36</sup>	All impacts	All vulnerable APs : Legal titleholders; tenants, leaseholders; encroachers, squatters,	<u><b>Permanent Impacts</b></u> <ul style="list-style-type: none"> <li>• <b>Loss of land or structure</b></li> </ul>	Vulnerable households will be identified during the	PIU/PMC will verify the extent of impacts through a 100% survey of APs and

<sup>33</sup> The Vocational Training Programme by the Industrial Training Institutes provides training on a number of trades, under the Directorate general of Employment and Trade, Ministry of Labour and Employment, GOI or additional cash assistance. The cost for training/additional cash assistance is will be calculated based on prevailing minimum wage rates for semi-skilled labor in Kolkata for 26 working days a month for three months

<sup>34</sup> This is an estimate. The income generating asset will be skill related. However the assets will be decided on a case to case basis.

<sup>35</sup> Based on 6 months of subsistence allowance. In the RFCTLARRA the subsistence allowance for titleholders is Rs.36, 000 for a year. In this case 50% of given amount is provided for non-titleholders.

<sup>36</sup> Vulnerable households / families comprise woman-headed households, disabled-headed household, scheduled caste/scheduled tribe households, elderly-headed households and Below Poverty Line households

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
			hawkers, vendors, sharecroppers, wage labour etc.)	<p><b>or livelihood:</b></p> <p>Further to item 1,</p> <ul style="list-style-type: none"> <li>• In case of loss of land and a total dependency on agriculture: land-for-land compensation if preference expressed by the affected person</li> <li>• Additional one-time lump sum assistance of Rs 36,000 (calculated for 12 months subsistence allowance) per vulnerable family will be paid. This will be over and above the other assistance given in this framework.</li> <li>• Vulnerable APs will be given priority in employment in the project construction and project operation activities.</li> <li>• All Scheduled Castes and Scheduled Tribes relocated outside the district will be provided an additional 25% of the resettlement benefits to which they are entitled along with a onetime resettlement entitlement of Rs 50, 000 per the provisions of the RFCTLARRA.</li> <li>• Provision for skill training for displaced vulnerable persons, in addition to assistance for purchase of income generating assets</li> </ul>	census.	<p>identify vulnerable households.</p> <ul style="list-style-type: none"> <li>• PIUs will conduct a training need assessment in consultation with the displaced persons so as to develop appropriate income restoration schemes.</li> <li>• Suitable trainers or local resource persons will be identified by PIUs in consultation with local training institutes.</li> <li>• Contractor will maintain gender-disaggregated data on vulnerable persons employed in project construction/operation work.</li> <li>• PIU will maintain records of vulnerable persons provided skill training.</li> </ul>

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				upto INR 30,000 and initial capital of IN R 40,000/  <b>Temporary Impacts</b> Vulnerable APs will be given priority in employment in project construction work, in addition to compensation for income loss.		
<b>8</b>	<b>Temporary Impact</b>					
<b>8.a</b>	Temporary loss of land	Land temporarily required for subproject construction	Legal titleholders; tenants, leaseholders  encroachers, squatters, sharecroppers, wage labour etc.	<ul style="list-style-type: none"> <li>• Provision of rent payable to legal titleholders for temporary use of the land for period of occupation.</li> <li>• Restoration of land to previous or better quality.</li> <li>• Compensation for assets lost at replacement value, and trees and crop loss in accordance with item 1 and 5 respectively, excluding the provision of solatium.</li> <li>• In case the land has become permanently unfit for the purpose it was used before, it shall be acquired in accordance with item 1.</li> </ul>	<ul style="list-style-type: none"> <li>• Assessment of impacts if any on structures, assets, crops and trees due to temporary occupation.</li> <li>• Site restoration</li> </ul>	<ul style="list-style-type: none"> <li>• Valuation Committee will determine rental value and duration of construction survey and consultation with APs.</li> <li>• PMU/PIU will ensure compensation is paid prior to site being taken-over by contractor</li> <li>• Contractor will be responsible for site restoration.</li> </ul>
9-a	Structures temporarily required for project activities	Structures in the right of way	Legal titleholders/ non-titled holders including building owners, tenants, informal settlers, licenced or non-licenced vendor	<ul style="list-style-type: none"> <li>• Advance notice of at least 4 weeks</li> <li>• Assistance to shift to nearby alternate sites for continued daily activities e.g. economic</li> </ul>	PIU and contractor will identify alternative site and help in shifting to the alternative site and back to the	<ul style="list-style-type: none"> <li>• PMU/PIU will be responsible for assistance and monitoring.</li> </ul>

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>activity, children's schooling, etc.</p> <ul style="list-style-type: none"> <li>• Assistance to shift back once construction completed</li> <li>• Compensation for damaged assets at replacement cost without depreciation</li> <li>• Rental assistance as per the prevalent rate in the form of grant to cover the duration of project construction activities</li> <li>• Subsistence/relocation allowance at Rs.3000 per month for 3 months, if temporarily displaced for more than 1 month.</li> </ul>	<p>original place.</p> <ul style="list-style-type: none"> <li>• Replacement cost for damaged assets as determined by the PIU, with the assistance of PMC will be provided by the contractor.</li> </ul>	
<b>8.b</b>	Temporary disruption of livelihood		Legal titleholders tenants, leaseholders; encroachers, squatters, sharecroppers, wage labour etc.	<ul style="list-style-type: none"> <li>• 60 days advance notice regarding construction activities, including duration and type of disruption.</li> <li>• Cash assistance based on the net average income from each type of affected business or minimum wage for the loss of income/livelihood for the period of disruption</li> <li>• Assistance to mobile vendors/ hawkers to temporarily shift for</li> </ul>	<p>Identification of alternative temporary sites to continue economic activity for the said duration of disruption</p> <p>Business survey to be conducted, which will serve as the cut-off date.</p>	<ul style="list-style-type: none"> <li>• Valuation Committee will determine income loss.</li> <li>• Contractors will be guided by PIUs to perform actions to minimize income/access loss.</li> </ul>



	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				continued economic activity. <sup>37</sup>	PIU will ensure civil works will be phased to minimize disruption through construction scheduling in co-ordination with the contractors and the PMC.	
<b>9</b>	<b>Loss of Common Resources</b>					
<b>9.a</b>	Loss/impacts on common resources	Common resources	Communities/user groups (formal/informal)	<ul style="list-style-type: none"> <li>• Replacement or restoration of the affected community facilities – including public water stand posts, public utility posts, temples, shrines, bus shelters etc.</li> <li>• Restoration of access / provision of alternative access to common facilities/resources.</li> <li>• Enhancement of community resources in areas with major impacts on common resources</li> </ul>	The scope of work of the contractor should include the restoration of common sources if affected during project implementation	<ul style="list-style-type: none"> <li>• Project contractor should restore or enhance the common resources.</li> <li>• PIUs and PMC to ensure and monitor.</li> </ul>
<b>10</b>	<b>Any Other Unanticipated Impact</b>					

<sup>37</sup> For example, assistance to shift to the other side of the road where there is no construction.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
10a	Any other loss not identified	-	-	<p>•Any unanticipated impacts of the project will be documented and mitigated based on the spirit of the principles agreed upon in this Resettlement Framework and the RFCTLARRA</p> <p>Unanticipated involuntary impacts will be documented and mitigated based on the principles provided in the ADB IR Policy.</p>	-	PIU assisted by PMC will ascertain the nature and extent of such loss. PMU will finalize the entitlements in line with ADB's SPS, 2009 and in the spirit of the RF.

## VIII. SOCIO-ECONOMIC INFORMATION AND RESETTLEMENT PLAN (RP) PREPARATION

### A. Surveys

32. For proper rehabilitation of APs, social impact assessment (SIA) surveys will be undertaken in each sub-project. The PIUs, under guidance of the PMC will undertake surveys for each identified sub-project. The SIA surveys will be based on technical designs of the sub-project identified. The SIA will help in determining the magnitude of displacement, prospective losses, better targeting of vulnerable groups, ascertaining actual costs of resettlement, preparing and implementing a rehabilitation program. As part of the social impact assessment, the EA will identify individuals and groups who may be differentially or disproportionately affected by the project because of their disadvantaged or vulnerable status. Where such individuals and groups are identified, the EA will propose and implement targeted measures so that adverse impacts do not fall disproportionately on them and they are not disadvantaged in relation to sharing the benefits and opportunities resulting from development. The purpose of the census is to register and document the status of the potentially affected population<sup>38</sup> within the sub-project impact area/impact zone. The census will cover 100 percent of APs. The census will provide a demographic overview of the population, and will cover people's assets and main sources of livelihood.

33. Socio-economic surveys of persons facing negotiated land purchase or those donating land will be undertaken as part of due diligence, to establish their socio-economic profile and willingness. Such surveys will be undertaken by the PIU Assistant Safeguards Officer under the guidance of the PMC RS.

34. Since mainly temporary impact is anticipated during construction/rehabilitation work and during pipe-laying work along roads, the census survey will be undertaken for every 500 metres of stretches ready for construction. Detailed measurement of road width, marking of proposed pipe alignment or pit location, as applicable, and extent of excavation will be undertaken to ascertain impact/loss and identify affected persons to be surveyed.

### B. Formulation of Resettlement Plans

35. The PIU with the assistance of PMC will prepare a resettlement plan (RP), if the proposed project will have involuntary resettlement impacts. The resettlement plan will be based on the social impact assessment and through meaningful consultation with the affected persons. A resettlement plan will include measures to ensure that the displaced persons are (i) informed about their options and entitlements pertaining to compensation, relocation, and rehabilitation; (ii) consulted on resettlement options and choices; and (iii) provided with resettlement alternatives. During the identification of the impacts of resettlement and resettlement planning, and implementation, the EA will pay adequate attention to gender concerns, including specific measures addressing the need of female headed households, gender-inclusive consultation, information disclosure, and grievance mechanisms, to ensure that both men and women receive adequate and appropriate compensation for their lost property and resettlement assistance, if

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<sup>38</sup> The potentially affected population will include both the titleholders and the non-titleholders within the project impact zone. The identification of non-titleholders would be based on legal documents, such as the ration card, voter's list etc. In the absence of any supporting legal documents, the information by the community, village councils will be considered.

required, as well as assistance to restore and improve their incomes and living standards. The resettlement plan will specify the income and livelihoods restoration strategy, the institutional arrangements, the monitoring and reporting framework, the budget, and the time-bound implementation schedule. An outline of a Resettlement plan is presented in Annex-2.

36. RPs will be prepared based on the results of the census and socio-economic survey; the database on APs should be completed before RP preparation. RPs will be prepared by the PMU through project consultants, and in consultation with APs, local representatives, and community based organisations. The consultants team should include a resettlement specialist familiar with ADB policy and procedures for preparing RPs and with experience in preparing an RP document in a similar ADB project.

37. The RP will be brought to the notice of the APs and host communities, with the help of the staff in the PMU and PIU, for their suggestions. The RP will be summarized and translated in local language and notified to the public, by posters and/or resettlement booklets.

### **C. Gender Impacts and Mitigation Measures**

38. Any negative impacts of a sub-project on female headed households will be taken up on case-to-case basis and rehabilitation of these households will be treated on a priority basis under the sub-projects. The RP will formulate measures to ensure that socio-economic conditions, needs and priorities of women are identified and the process of land acquisition and resettlement does not disadvantage women. The RP will ensure that gender impacts are adequately addressed and mitigated. It will ensure inclusion of women and women-headed households in project benefits. Women's focus groups discussions will be conducted to address specific women's issues. Any direct negative impacts of the sub-project on female headed households will be taken up on a case-to-case basis and rehabilitation of these households will be treated as a priority under the sub-project. During disbursement of assistance and compensation, priority will be given to female headed households. Joint ownership in the name of husband and wife will be offered in case of non-female headed households. The gender action plan is in the Program Administration Manual.

39. A participation framework during the subsequent stages of project design and implementation has been worked out towards ensuring the participation of women. Female headed households wherever impacted due to the proposed improvements, are covered by adequate compensation based on the entitlement matrix.

## **IX. CONSULTATION PARTICIPATION AND DISCLOSURE**

40. Comprehensive planning is required to assure that local government, communities, host population and project staff interacts regularly and purposefully in all stages of the Project. Aiming at promotion of public understanding and fruitful solutions to address the local needs of the communities and issues pertaining to resettlement, various sections of APs and other stakeholders were consulted through focus group discussions (FGD), meetings and individual interviews. The opinions of the stakeholders and their perceptions were obtained during these consultations. This approach adopted towards the formulation of the framework would be continued during project implementation. The following will be the key stakeholders who will be consulted with at various stages of project implementation:

- (i) All affected persons (APs), project beneficiaries, including representatives of vulnerable households;

- (ii) decision makers, policy makers, elected representatives of people, community members, eminent citizens etc.;
- (iii) staff of the concerned ULB, PIU, PMU etc.;
- (iv) officials of the revenue department, social welfare department etc.; and
- (v) representatives of the various state government departments, as required.

41. In order to enhance public awareness on the improvement of infrastructure services and the potential benefits in the quality of life, awareness campaigns are proposed. These will be campaigns at the community level, with door-to-door dissemination of information and promotion of neighbourhood groups to take up public health and environmental improvement initiatives in their localities.

42. It is envisaged that during project implementation, this consultative process will be carried forward to ensure that the affected population, vulnerable persons and other stakeholders are informed, consulted, and allowed to participate actively in the development process. This will be done throughout the Project, during preparation, implementation, and monitoring of project results and impacts. During implementation and monitoring, information will be disseminated to APs and other key stakeholders in appropriate ways. This information will be prepared in the local language, as required, describing the main Project features including the entitlement matrix.

#### **A. Consultation**

43. The consultation process established for the Project will employ a range of formal and informal consultative methods. Different techniques of consultation with stakeholders are proposed during project preparation: in-depth interviews, public meetings, group discussions etc.<sup>39</sup> To understand the socioeconomic profile of city residents, questionnaires were designed and information collected from individuals on a one-to-one basis. The consultations will be held with special emphasis on vulnerable groups. The key informants during the project preparation phase and during RP implementation will include stakeholders such as:

- (i) Heads and members of households likely to be affected,
- (ii) Groups/clusters of APs,
- (iii) Local voluntary organizations and CBOs,
- (iv) Government agencies and departments, and
- (v) Major project stakeholders, such as women, trader's associations, community based organisations, etc.
- (vi) Stakeholders such as. water users downstream of river ponding structures, residents of en route villages, etc.

44. Public participation has been generated through the use of various methods, such as, stakeholder consultation meetings, FGDs with different groups (including women), key informant interviews etc. This also helped people in different areas within the cities to (i) know about the Project, and (ii) express their opinion regarding project priorities.

45. Each RP will be prepared and implemented in close consultation with stakeholders and will involve focus group discussion (FGD) and meetings, particularly with affected households. Census of households and individuals located within the Project will be undertaken to register and document the status of the potentially affected population within the impact area. It will

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<sup>39</sup> Sample of Project Information Disclosure Leaflet is in Appendix 4.

provide a demographic overview of the population served by the RP and profiles of household assets and main sources of livelihood. It will cover 100% of the potentially affected population within the project impact area. Consultations with APs during RP preparation will ensure that views of APs on compensation and rehabilitation measures are fully incorporated while consultations conducted during RP implementation will identify help required by APs during rehabilitation.

46. The effectiveness of the resettlement and rehabilitation process is directly related to the degree of continuing involvement of those affected by the sub-project. The Social Safeguard Officer of PMU will ensure that APs and other stakeholders are informed and consulted about the sub-project, its impact, their entitlements and options, and allowed to participate actively in the development process. This will be done particularly in the case of vulnerable individuals and groups, who will be encouraged to choose options that entail the lowest risk. This exercise will be conducted throughout the sub-project life—during preparation, implementation, and monitoring of sub-project results and impacts.

47. The PMU/PMC specialist will ensure that any views of APs, particularly vulnerable APs, related to the resettlement process are looked into and addressed. The PMU and PIUs will ensure that groups and individuals consulted are informed about the outcome of the decision-making process, and confirm how their views were incorporated. Since resettlement and rehabilitation is a continuous process and a baseline data/information is available, the PMU in consultation with PMC will update the baseline information as and when required.

## **B. Disclosure**

48. Information will be disseminated to APs at various stages. In the sub-project initiation phase, the Project Officer (SSG) of the PMU will be responsible for issuing the public notice to acquire a particular land/property for the sub-project along with project information/details. The notice will be published in local newspapers, twice with a one-week interval. The PO (SSG) of the PMU along with PIU ASO and local revenue officials/officials responsible for issuance of public notice for (i) the announcement of project cut-off date; (ii) land acquisition/negotiated purchase/land donation' and will also conduct consultation meetings with APs in addition to public notification to ensure that relevant information is given to all APs.

49. For the benefit of the community in general and APs in particular, the RP will be translated into local language and made available<sup>40</sup> at: (i) Main Office of ULB and concerned ward offices; (ii) District Collector's Office; (iii) MPUSIP PMU and, (iv) PIU. Hard copies of the RP will be kept in the city library, accessible to citizens as a means to disclose the document and at the same time creating wider public awareness.

50. Electronic version of the RF/RPs and DDRs of each subproject will be placed in the official website of the PMU/State Government and the official website of ADB after approval of the RP by the Government and ADB. The PMU will issue notification on the locality-wise start date of sub-project implementation. The notice will be issued by the PMU in local newspapers one month ahead of implementation works. This will create public awareness on project implementation. The PMU offices will provide information on resettlement principles and features of the RP. The basic information in the RP including sub-project locations, impact estimations, entitlements, implementation schedule etc. will be presented in the form of a

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<sup>40</sup> In accordance with Operations Manual Section F2/BP on involuntary resettlement.

brochure that will be circulated among APs. Posters designed to disseminate basic tenets of the RP will be distributed in different localities to generate mass awareness. Copies of the summary of the RP will be kept in the PMU/PIU offices and will be distributed to any AP wanting to understand the RP.

51. The RF will be made available in local language(s) during public meetings. This will enable stakeholders to provide inputs on the resettlement process, prior to award of civil work contract.

52. An intensive information dissemination campaign for APs will be conducted by the PMU/PIUs with assistance of the PMC, at the outset of RP implementation. All the comments made by APs will be documented in the sub-project records and summarized in sub-project monitoring reports. Copies of the ADB's Safeguard Policy Statement, 2009 and the RP will be made available, in both English and local language, at the ULB office for reference and study by the public.

**Table 3: Summary of Consultation and Disclosure Activities**

Sub-project Phase	Activities	Details	Responsible Agency
Sub-project Initiation Phase	Mapping of the sub-project area	Sub-project area to be mapped, clearly showing survey numbers of titleholders of land/property proposed for acquisition	PMU/PIU in co-ordination with local land revenue office.
	Stakeholder identification	Cross section of stakeholders to be identified in order to facilitate their participation in the sub-project.	PMU/PIU.
	Sub-project information dissemination; Disclosure of proposed land acquisition and sub-project details	Leaflets containing information on sub-project to be prepared. Public notice will mention the names and survey no's of titleholders of land/property proposed for acquisition along with sub-project details. Notice will be issued in local newspapers. Web disclosure on website also proposed.	PMU/PIU in coordination with local land revenue office will be involved in information dissemination, with the assistance of PMC for leaflet preparation. Notice will be issued from the DC's office. EA to post notice on its website.
	Stakeholder Meetings	Meetings at community/household level with titleholders of affected land/property and their family members during project scoping.	PIU with officials from DC's office/local revenue officials will facilitate meetings to disclose the information to each AP.
RP Preparation Phase	SIA surveys	RF will be made available in DC office and PMU/PIU office, to be translated in local language	PMU will ensure the availability of RF.
	Formulating compensation measures and rehabilitation measures	Conducting discussions/meetings/workshops with all APs and other stakeholders	PMU will conduct all required discussions/meetings/workshops and will invite all secondary stakeholders.

Sub-project Phase	Activities	Details	Responsible Agency
	Disclosure of final entitlements and rehabilitation packages	Web disclosure of the RP. Circulating copies of RPs to all stakeholders including APs, translating summary RP in local language before conducting final disclosure meeting. Conducting public meetings for RP approval by APs.	PO (SSG) of PMU will undertake all activities related to circulation of RP. PMU/PIU will arrange public meeting of all stakeholders with APs for RP approval. PMC will document all the comments and suggestions made by APs and will send it to the PMU along with the RP.
RP Implementation Stage	Disclosing final RP approved by ADB to all important stakeholders	Final RP reviewed and approved by ADB, to be updated/disclosed on the IA/EA's website. Ensuring the availability of copy of the approved RP and ADB IR policy at PMU and DC office.	EA/PMU
	Consultation with APs during rehabilitation activities	Meetings/discussions will be arranged with APs. Households to identify help required by APs during rehabilitation.	PMU along with PIU will arrange required meetings/discussions. Designated staff from the PMU will participate while the PO(SSG) will monitor consultation activities.

## X. GRIEVANCE REDRESS MECHANISM

### A. Common Grievance Redress Mechanism (GRM)

53. A project-specific grievance redress mechanism (GRM) shall be established to receive, evaluate, and facilitate the resolution of AP's concerns, complaints, and grievances about the social and environmental performance at the level of the project. The following GRM provides a time-bound and transparent mechanism to voice and resolve social and environmental concerns linked to the project.

54. A common GRM will be in place for social, environmental, or any other grievances related to the project. The GRM will provide an accessible and trusted platform for receiving and facilitating resolution of affected persons' grievances related to the project. The multi-tier GRM for the project is outlined below, each tier having time-bound schedules and with responsible persons identified to address grievances and seek appropriate persons' advice at each stage, as required. ULB-wide public awareness campaigns will ensure that awareness on grievance redress procedures is generated through the campaign.

55. **Who can complain:** A complaint may be brought by persons who are, or could be, "directly, indirectly, materially, and adversely" affected by the project. A complaint can be submitted on behalf of the affected person/people by a representative, provided that he or she identifies the affected person/people and includes evidence of the authority to act on their behalf.

56. **What the Grievance/Complain should contain:** Any concerns pertaining to safeguard compliance - environment, involuntary resettlement, indigenous people, design related issues, compensation, service delivery or any other issues or concerns related to the project. The complaint must contain name, date, address/contact details of the complainant, location of the problem area, along with the problem. Sample grievance registration form is at **Appendix 5**.

57. **Where to file a Complaint:** Complainants will have the flexibility of conveying grievances/suggestions by dropping grievance redress/suggestion forms in



complaints/suggestion boxes to be installed by project at ULB offices, PIU offices or by e-mail or by writing in a complaints register in the PIU offices or at construction site offices. In addition, online filing using the state's existing grievance redress mechanism or telephone helpline will also be open to use by affected persons.<sup>41</sup>

58. **How to file a Complaint:** The application should be precise and specific. The application can be sent either by post or through electronic means or deliver personally.

- Offline System - The application can be made on the application form available at all accessible places (ULBs/ Office of PIUs/ construction site offices). The application should have the name and complete postal address of the applicant.
- Online System - Grievances pertaining to the implementation of the project can also be filed online at the website of MPUDC or by e-mails or with the use of the CM Monitoring System.

59. **Documentation:** Documentation of the complaints is important and must contain name of the complainant, date of receipt of the complaint, address/contact details of the person, location of the problem area, and how the problem was resolved. PMU with the support of PIU will have the overall responsibility for timely grievance redress, and for registration of grievances, related disclosure, and communication with the aggrieved party. All the documents made available to the public at the community level (at ward offices) and will include information on the contact number, address and contact person for registering grievances, and will be disseminated throughout the project area by the PIU.

60. **Grievance/Problem Redress through Participatory Process:** Efforts must be made by the PIU with the support of safeguard consultants to resolve problems amicably, conflicts through participatory process with the community and the ULBs. In case of grievances that are immediate and urgent in the perception of the complainant, the Contractor, and supervision personnel from the PIU will provide the most easily accessible or first level of contact for the quick resolution of grievances. Contact phone numbers and names of the concerned staff and contractors, will be posted at all construction sites at visible locations.

61. The following process will be followed:

- (i) **1st level grievance.** In case of grievances that are immediate and urgent in the perception of the complainant, PMC supervising staff will direct the contractor to and ensure that it is resolved. If the grievance is not under the contractor scope, but under the project, PMC (field office) will resolve this issue. All the grievances should be resolved within 3 days of receipt of a complaint/grievance.
- (ii) **2nd level grievance.** All grievances that cannot be redressed at first level within 3 days will be brought to the notice of PIU Assistant Safeguard Officer and PMC RS. PIU will review the grievance and act appropriately to resolve it within 10 days of receipt.

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<sup>41</sup> Government of Madhya Pradesh has a special program called Chief Minister's Monitoring Programme, which monitors development programs in the state and provides for online registration of complaints. The Public Grievance Redressal Department of GoMP clearly displays the Chief Minister's Helpline Number, through which persons may lodge complaints directly to the highest authority in the state. The website of the Public Grievance Redressal Department also provides a kiosk locator for district level grievance redress kiosks. [HTTP://WWW.MP.GOV.IN/WEB/GUEST/HOME](http://www.mp.gov.in/web/guest/home).

- (iii) **3rd level grievance.** All the grievances that are not addressed at 2<sup>nd</sup> level by PIU within in 10 days of receipt will be brought to the notice of the Grievance Redressal Committee (GRC)<sup>42</sup>. GRC will meet twice a month and determine the merit of each grievance brought to the committee. The GRC will resolve the grievance within 1 month of receiving the complaint. All decisions taken by the GRC will be communicated to the complainant by the Nodal Officer.

62. In case of any inter-departmental or inter-jurisdictional coordination required for resolution of specific grievances, the PIU will refer the matter directly to the PMU for state-level or inter-departmental coordination and resolution, instead of the town-level GRC. The project GRM notwithstanding, an aggrieved person shall have access to the country's legal system at any stage, and accessing the country's legal system can run parallel to accessing the GRM and is not dependent on the negative outcome of the GRM. Alternatively, if the grievance is related to land acquisition, resettlement and rehabilitation<sup>43</sup>, the APs can approach the Land Acquisition, Rehabilitation and Resettlement Authority (LARRA). As per the latest Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013, the state government has established the LARRA to address grievances in implementation of LARRA.

63. **ADB's Accountability Mechanism.** In the event that the established GRM is not in a position to resolve the issue, the affected person also can use the ADB Accountability Mechanism through directly contacting (in writing) the Complaint Receiving Officer (CRO) at ADB headquarters or the ADB India Resident Mission (INRM). The complaint can be submitted in any of the official languages of ADB's developing member countries. Before submitting a complaint to the Accountability Mechanism, it is recommended that affected people make a good faith effort to resolve their problems by working with the concerned ADB operations department (in this case, INRM). Only after doing that, and if they are still dissatisfied, they could approach the Accountability Mechanism. The ADB Accountability Mechanism information will be included in the project-relevant information to be distributed to the affected communities, as part of the project GRM.

64. **Record keeping.** Records of all grievances received, including contact details of complainant, date the complaint was received, nature of grievance, agreed corrective actions and the date these were effected and final outcome will be kept by PIU. The number of grievances recorded and resolved and the outcomes will be displayed/disclosed in the PIU office, ULB office and on the web, as well as reported in the semi-annual social and environmental monitoring reports to be submitted to ADB.

65. **Periodic review and documentation of lessons learned.** The PMU, and PIUs, supported by the PMC specialist will periodically review the functioning of the GRM and record information on the effectiveness of the mechanism, especially on the PIU's ability to prevent and address grievances. MPUSIP GRM is presented in the following figure.

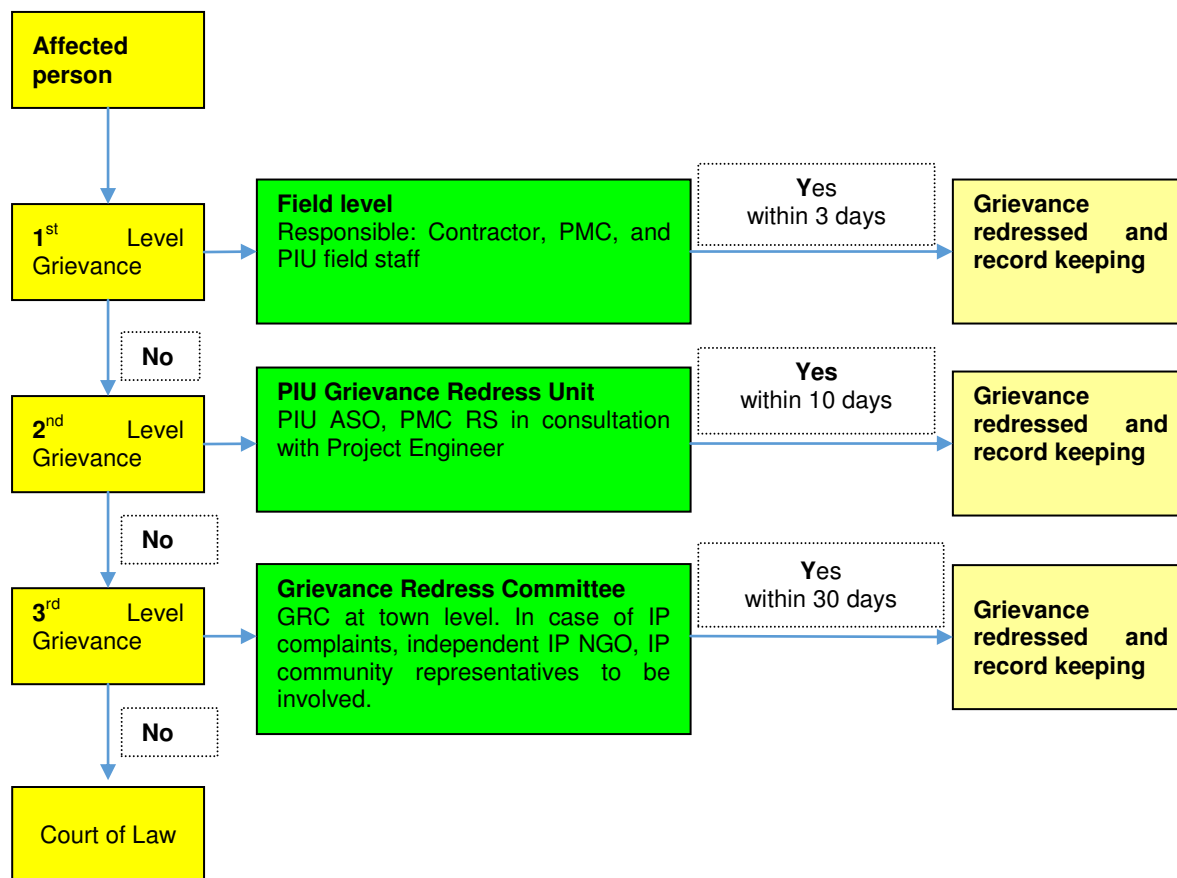
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<sup>42</sup> Grievance redress committee (GRC) will be formed at town-level with members composed of: ULB Chairperson, Chief Municipal Officer (CMO), Environmental Specialist of PMC, Social Safeguard Specialist of PMC, PIU Deputy Project Manager and PIU Community Development Officer. In case of any complaints by IP or members of scheduled tribes, the PIU will include as special member, a representative of an independent local NGO involved in tribal welfare. Special invitees to hearing of IP complaints will include two representatives from affected IP community and the project IP NGO, if appointed for IPP implementation.

<sup>43</sup> The Authority admits grievance only with reference to land acquisition and rehabilitation and resettlement issues under the new Act.



**Figure 1: MPUSIP Grievance Redress Mechanism**



Note: ASO=Assistant Safeguard Officer,GRC = Grievance Redressal Committee; PMC = Project Management Consultants, PMU = Project Management Unit.

66. All costs involved in resolving the complaints will be borne by executing agency. The GRC will continue to function throughout the project duration.

## **XI. COMPENSATION, INCOME RESTORATION AND RELOCATION**

### **A. Compensation**

67. Land acquisition and resettlement impacts will be compensated in accordance with the provisions of the entitlement matrix in Table 2. Compensation for loss of land will be determined on the basis of market price / replacement value.

68. The replacement value for the land will be determined based on discussions with the landowners by the office of the Collector / land acquisition officer. The Committee will finalize the compensation amount taking into account the findings of a land market survey carried out by the Sub-registrar to ascertain prevailing market values<sup>44</sup> of land.

<sup>44</sup> The prevailing market values, influenced by various factors such as location of land, connectivity, and classification/ land use, type of soil, trees, available water supply and other facilities, etc.

69. The replacement values for immovable properties, including structures and assets will be arrived at by the Sub-registrar as follows:

- (i) Houses and Buildings. The value of the houses, buildings and other immovable properties of the APs will be determined for the purpose of payment of compensation at the current year of relevant Basic Schedule of Rates (BSR) published by the respective state governments or at the replacement rate;
- (ii) Trees. Compensation for trees will also be based on their market price in case of timber bearing trees and replacement value in case of fruit bearing trees, calculated as per provisions of the entitlement matrix, based on rates fixed by the Department of Agriculture, Forest, Horticulture, Sericulture, etc., or based on rates obtained from market survey.
- (iii) Other Assets. Compensation for the assets attached with land such as wells, tubewells, pumps, tanks, etc.) will be based on replacement value. The Sub-registrar will estimate this through detailed market surveys.

70. Compensation will be paid and resettlement of APs will be completed before taking possession of land/properties and prior to the start of civil works. The APs will hand over to the Government, land and properties acquired free from all encumbrances such as mortgage and debt. If the Competent Authority fails to pay decided compensation to APs within a year after the date of notification, additional amount by way of interest (12 percent) will apply on final compensation payable to each AP, except in cases where the AP has approached the judiciary for grievance redressal.

## **B. Income Restoration and Relocation**

71. Income restoration schemes will be designed in consultation with APs. The strategy for income restoration needs to be prepared prior to land acquisition. Based on the information collected on income restoration activities from the census and the socioeconomic surveys, income restoration strategies will be framed and activities planned. The PMU will consider the available skills, existing professions, resource base of APs and their socio-economic characteristics and preferences to tailor individual income restoration schemes.

72. The basic objective of income restoration activities is to ensure that each AP will at least have the same or improved income and livelihood after the sub-project. Towards this, it is proposed that one member for each of the vulnerable households losing their livelihood, and who has the capacity and willingness to acquire a new set of skills would be eligible for assistance. The PIU field staff will, identify the number of eligible families and the individual beneficiaries based on the 100% census of the AHs and a training needs assessment through consultations with the APs. The plan for income restoration will be included as part of the micro-plan to be prepared by the PIU. The PIU will frame a list of possible income restoration options in consultation with APs having examined local employment opportunities. Suitable trainers/local resources would be identified by the PMU, seeking the assistance of local/regional training institutes, if required.

73. Income restoration activities are of two types (i) short-term; and (ii) long-term. Short-term income restoration activities are intended to restore AP's income in the period immediately before and after relocation focusing on relocation, and providing short-term allowances such as (i) subsistence/transitional allowance; and (ii) shifting assistance.

74. Long-term options depend on the degree of disruption to the economic activity. All vulnerable APs would be eligible for income restoration options. These will be derived from

detailed socio-economic survey information, conducted as a part of the RP, and may include provision of income generating assets and/or training to operate them. The time frame will be decided based on the training to be provided, which will also be outlined in the RP. The PMU will be responsible for provision of these assets and required training, with the help of SHGs, CBOs, and local institutions if necessary. The RP budget will reflect the cost of providing income generating assets and training. Strategies for promoting economic recovery of APs should also include skill upgrading through training. Project officials will ensure APs' access to Government schemes that could help them restore income and livelihoods.

75. Key steps to be undertaken in livelihood skill training of vulnerable households and responsibilities of agencies involved would be as follows:

- (i) Identification of affected, vulnerable households through the census survey of APs will be undertaken by the PO(SSG) of the PMU, supported by PMC Specialist and PIU ASO and field staff;
- (ii) Identification of potential trainees and training needs assessment for vulnerable households will require a detailed survey and assessment of literacy/educational level and/or skill sets available with one member nominated by the household for skill training. The needs assessment would also document income from various sources, assets, resources and coping strategies currently used by the household. The strategy would aim at improving/maximizing returns from the present occupation of the principal earning member or taking up a new/supplementary occupation aimed at achieving the right mix of activities in order to enable the household to improve/maintain its living standards. Training needs assessment would be undertaken by the PMU, supported by PMC and PIU. Baseline details collected for individual households need to be carefully preserved in order to enable a post-training impact assessment;
- (iii) Identification of Local Trainers/Resource Persons or Training Institutes by the PMU will depend on the type of skill training required (as identified through the needs assessment survey);
- (iv) Livelihood Skill Training as well as training in budgeting/accounting, micro enterprise development training as well as micro-finance/revolving fund management training will be coordinated by the PMU. Training to suit the aptitude of identified trainees would be imparted. A time frame of a maximum of three months is envisaged for training;
- (v) Internal monitoring of training and submission of progress reports will be by the PMU;
- (vi) Special assistance for purchase of equipment/materials will be provided to each affected, vulnerable household. Purchase will be undertaken by the PMU, with the support of DSC. Under this special assistance, implements/equipment like carpentry/plumbing tools etc. as well as raw material for a trade may be purchased; and
- (vii) Post-training impact assessment is proposed to be conducted by an independent agency, a year after project implementation. The household asset base and socio-economic status would be compared with the pre-project scenario. Indicators would be developed during detailed design stage.

## **XII. BUDGETING AND FINANCING**

76. Detailed budget estimates for each RP will be prepared by the PIUs, assisted by the PMC which will be included in the overall Project budget by the PMU. The budget shall include: (i) detailed costs of land acquisition and livelihood and income restoration and improvement; (ii)

source of funding; (iii) administrative and staff training; (iv) cost for GRM and consultation/disclosure; (v) monitoring costs; and (vi) costs related to capacity building/strengthening of the PMU/PIUs. All land acquisition and resettlement costs will be borne by the government and provided in a timely manner to ensure payment of all entitlements prior to displacement.

77. The disbursement of compensation for land and acquisition of assets will be carried out by the MPUDC, Government of Madhya Pradesh and calculated on the basis of the Entitlement Matrix. In the case of assistance, the PIU will directly pay into the individual accounts<sup>45</sup> of affected persons. The PIU designated safeguard officer/PMC specialist will be involved in facilitating the disbursement process and rehabilitation program, and will facilitate opening bank accounts for the affected persons who do not have bank accounts.

78. Based on the valuation by the Valuation Committee, the required funds will be deposited with the District Collector/Officer in charge of land acquisition, as applicable, who will make payments to the APs. Compensation payments against temporary income loss and any other compensation outside the purview of LARR 2013 and Madhya Pradesh Underground Pipeline, Cable and Duct (acquisition of rights of user of the land) Rules, 2013, and payable as per the EM of this RF will be disbursed by the PIUs.

### **XIII. INSTITUTIONAL ARRANGEMENTS AND RESPONSIBILITIES**

#### **A. Institutional Arrangements**

79. The Urban Development and Housing Department (UDHD) of Government of Madhya Pradesh will be the executing agency for the Project, responsible for management, coordination and execution of all activities funded under the loan. The implementing agency will be the recently established Madhya Pradesh Urban Development Company (MPUDC), a wholly owned subsidiary of GoMP. A central Project Management Unit (PMU) attached to MPUDC will be responsible for implementing the MPUSIP. The PMU will be supported by Project Implementation Units (PIUs) with a flexibility for redeployment depending upon the implementation requirements.

80. The PMU and PIUs will be supported by several teams of Design Consultants in preparation of preliminary engineering designs.

81. A Water Resource Review Committee (WRRRC) is constituted to undertake a thorough review of the source when recommended by the Design Consultant in regard to techno-economic feasibility and sustainability especially ensuring climate change resilience, and Technical Review Committee (TRC) to review and approve the preliminary designs developed by the Design Consultants.

82. Project Management Consultant (PMC) centrally located in PMU and with field teams located in PIUs shall be responsible for implementation of the Project. All infrastructure contracts will be procured through performance-based contracts (PBCs) and are likely to include build-operate (BO) framework.

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<sup>45</sup> In the event that the affected person has no account the PMU will provide the necessary assistance to open an account.

83. Two Committees - an Empowered Committee cum Executive Committee and a Technical Clearance and Tender Committee have been constituted by the Government to be responsible for effective and timely implementation of the Project.

## **B. Safeguard Implementation Arrangements**

84. **Project Management Unit.** The PMU will be staffed with two safeguard specialists: (i) Project Officer (Environment) and (ii) Project Officer (Social Safeguard and Gender) and will receive support from environmental and social safeguard specialists on PMC teams. PO(SSG) will have overall responsibility in implementation of this RF, including appropriate monitoring and reporting responsibilities. PO(SSG) is supported by Social Safeguard Specialist of PMC. Key tasks and responsibilities of the PMU PO(SSG) are as follows:

- (i) Ensure subprojects confirm to exclusion criteria
- (ii) Review and finalize subproject IR and IP category
- (iii) Oversee preparation of RPs/DDR/PPs; confirm existing RPs/DDR/PPs are updated based on detailed designs, and that new subproject RPs/DDR/PPs are prepared in accordance with the RF and IPPF
- (iv) Responsible for issuing the public notice to acquire a particular land/property for the sub-project along with project information/details, as well as the project cut-off date
- (v) Ensure that RPs/DDR/PPs are included in bidding documents and civil works contracts
- (vi) provide oversight on social safeguard management aspects of subprojects and ensure RPs/PPs and impact avoidance measures outlined in the RF/IPP/EMP/RP/PP/DDR are implemented by PIU and contractors
- (vii) Facilitate and ensure compliance with all government rules and regulations regarding No Objection Certificates, third party certificates for negotiated settlement or donation, land ownership and transfer details etc. for each site, as relevant
- (viii) Supervise and provide guidance to the PIUs to properly carry out the social safeguard and gender monitoring (IR/IP/GAP monitoring) as per the RF/IPP/GAP
- (ix) Review, monitor, and evaluate the effectiveness with which the RPs/PPs/provisions of DDRs and GAP are implemented, and recommend corrective actions to be taken as necessary
- (x) Consolidate monthly social safeguard and gender monitoring reports from PIUs and submit semi-annual monitoring reports to ADB
- (xi) Ensure timely disclosure of final RPs/DDR/PPs in locations and form accessible to the public and affected persons.
- (xii) Address any grievances brought about through the grievance redress mechanism in a timely manner.
- (xiii) Oversee training needs assessment of affected persons and vulnerable persons by PIUs/PMC, coordinate training activities and convergence with livelihood programs of the government.
- (xiv) Identify training needs and coordinate training activities for the PIUs/contractors/CBOs for capacity building to implement the RP/PP/DDR, project GRM and GAP;
- (xv) Coordinate database management for social safeguards implementation and monitoring;
- (xvi) Coordinate public awareness campaigns by the PIUs including resettlement provisions with the help of print and electronic media;
- (xvii) In case of any Category A subproject, facilitate the appointment of the external monitoring agency and coordinate evaluation activities to be taken up by the agency,



as required; Prepare Terms of Reference (ToR) for procuring the external agency, as required, with the assistance of the PMC Resettlement Specialist, and facilitate appointment and coordination of the external monitor's activities.

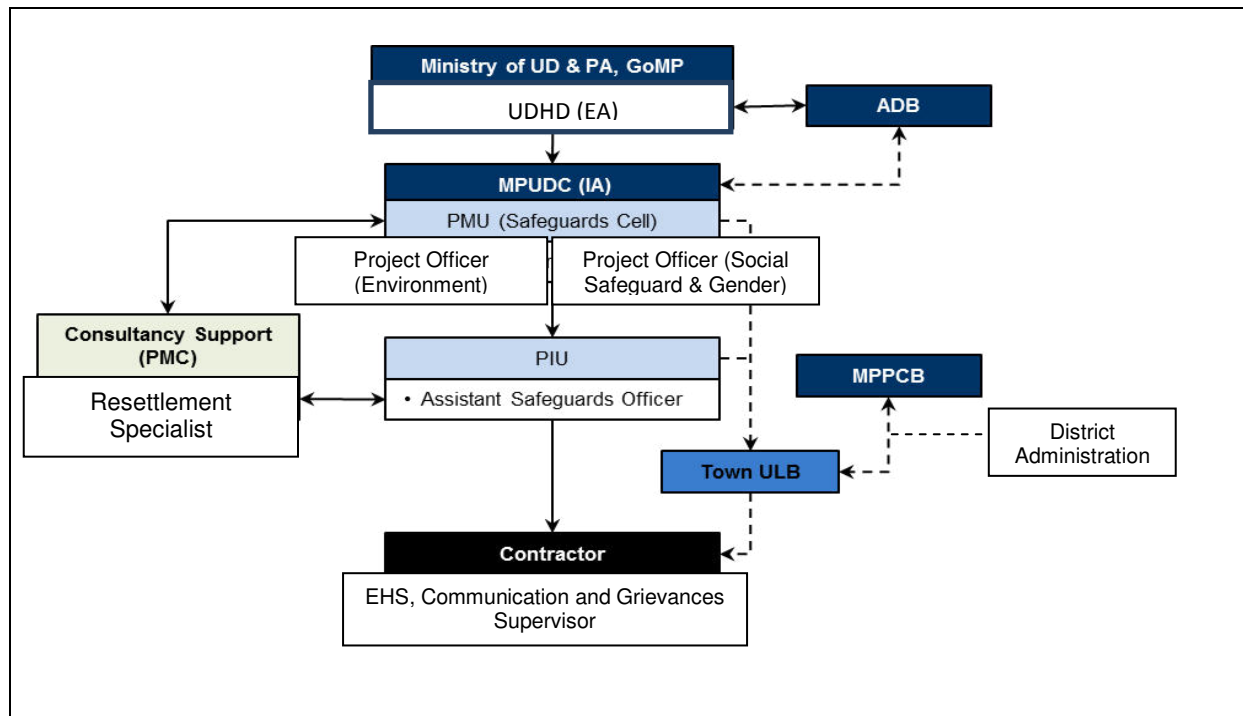
**85. Project Implementation Units.** PIUs will be headed by a Project Manager and supported by PMC. Resettlement Specialist of PMC will assist PIU in implementation of social safeguard related tasks. At each PIU, the Assistant Project Manager will be given additional responsibilities of safeguard tasks and will be designated as Assistant Safeguard Officer (ASO). ASO will be assisted by Resettlement Specialist of PMC in implementation/updating of resettlement plan/due diligence report, public consultation and disclosure, assessment of entitlement and computation of compensation other than those covered under RFCTLARRA, etc. The ASO will assist PMU SSGO in implementation of the following key tasks at PIU level.

- (i) Fill up IR/IP impact checklist and classify the project
- (ii) Conduct census and socio-economic surveys, detailed measurement surveys, and verification surveys of APs, conduct consultations with APs, finalise list of APs prepare/update RP/DDR/IPP with the assistance of PMC, and submit to PMU for review and approval and further submission to ADB;
- (iii) inform APs on (a) the project cutoff date, (b) tentative schedule of land acquisition/occupation, (c) entitlement matrix and (d) compensation packages against different categories of loss
- (iv) Coordinate valuation of assets, such as land, trees of various species, etc. Based on proper due diligence and assessment, finalize compensation packages;
- (v) Facilitate the land acquisition and compensation processes in consultation with the district administration; coordinate, supervise and monitor disbursement of compensation;
- (vi) Obtain NOCs, land documents, third party certifications as required for the subproject
- (vii) Include RPs/IPPs/DDRs in bidding documents and civil works contracts
- (viii) Oversee day-to-day implementation of RPs/DDRs/IPPs by contractors, including compliance with all government rules and regulations, take necessary action for obtaining rights of way
- (ix) Oversee RP/DDR/IPP and GAP implementation and maintenance of data for monitoring, by contractors
- (x) Take corrective actions when necessary to ensure no adverse social impacts
- (xi) Submit monthly social monitoring reports to PMU
- (xii) Conduct continuous public consultation and awareness
- (xiii) Address any grievances brought about through the grievance redress mechanism in a timely manner as per the RPs/DDRs/IPPs
- (xiv) Organize an induction course for the training of contractors, preparing them on RP/DDR/IPP/GAP implementation, social safeguard and gender monitoring requirements related to mitigation measures, and on taking immediate action to remedy unexpected adverse impacts or ineffective mitigation measures found during the course of implementation.
- (xv) Liaise with the District Administration and line departments for dovetailing Government's schemes for income generation and development programs for APs, as and when required;

**86.** The PMC Resettlement Specialist will assist the PO(SSG) in training, social safeguard supervision, monitoring, record keeping and report preparation activities.

87. **Civil works contracts and contractors.** RPs/PPPs/EM are to be included in bidding and contract documents and verified by the PIUs and PMU. The contractor will be required to designate an Environment, Health and Safety (EHS) supervisor to ensure implementation of EMP/ RP/EM/ social safeguard provisions in this RF during civil works, who will also have the responsibility for communication with the public under the guidance of PMU/PIU and grievance registration. Contractors are to carry out all mitigation and monitoring measures outlined in their contract. As the contract is to be procured through build-operate framework, contractor will also be responsible for operation phase safeguard implementation during a 10 year O & M period, after which it will be responsibility of the respective ULBs to takeover and implement the O&M.

88. The PMU and PIU will ensure that bidding and contract documents include specific provisions requiring contractors to comply with: (i) all applicable labor laws and core labor standards on (a) prohibition of child labor as defined in national legislation for construction and maintenance activities; (b) equal pay for equal work of equal value regardless of gender, ethnicity, or caste; and (c) elimination of forced labor; and with (ii) the requirement to disseminate information on sexually transmitted diseases, including HIV/AIDS, to employees and local communities surrounding the project sites.

**Figure 1: Safeguard Implementation Arrangements**

ADB=Asian Development Bank, EHS=Environment, Health and Safety, GoMP=Government of Madhya Pradesh, MPPCB=Madhya Pradesh Pollution Control Board, MPUDC=Madhya Pradesh Urban Development Company, PIU=project implementation unit, PMU=project management unit, PMC=project management consultants, UDHD=urban development and housing department, ULB=urban local body

**Table 4: Institutional Roles and Responsibilities**

Activities	Agency Responsible
<b>Sub-project Initiation Stage</b>	
Finalization of sites/alignments for sub-projects	PMU PO(SSG), PIU, DC/PMC
Disclosure of proposed sub-project details and land acquisition if any, by issuing Public Notice	PIU in coordination with district administration
Meetings at community/ household level with APs	PIU, with PMC RS support
<b>RP/DDR/IPP Preparation/Updation Stage</b>	
Conducting Census of all APs	PIU, DC/PMC RS
Conducting FGDs/ meetings / workshops during SIA surveys	PIU, PMC RS
Computation of Replacement Values of land/properties proposed for acquisition and for associated assets	DM/LA Officer assisted by PIU
Categorization of APs for finalizing entitlements	PMU PO(SSG)
Formulating compensation and rehabilitation measures	PMU PO(SSG), PIU
Conducting discussions/ meetings/ workshops with all APs and other stakeholders	PIU, DC/PMC RS
Fixing compensation	VC/PMU
Finalizing entitlements and rehabilitation packages	PMU PO(SSG),

<b>Activities</b>	<b>Agency Responsible</b>
	PIUs
Disclosure of final entitlements and rehabilitation packages	PMU PO(SSG), PIUs
Approval of RP	ADB
Taking possession of land	PIUs
<b>RP Implementation Stage</b>	
Implementation of proposed rehabilitation measures	PMU PO(SSG), PIUs
Consultations with APs during rehabilitation activities	PMU PO(SSG), PIUs
Grievance Redressal	PMU PO(SSG)/GRC
Internal Monitoring	PMU PO(SSG)

APs=affected persons, DC=design consultants, DM= district magistrate; FGD=focus group discussions, GRC = Grievance Redress Committee, PMU = project management unit, P=resettlement plan, SIA=social impact assessment.

### **C. Institutional Capacity**

89. Capacity to handle environmental/involuntary resettlement/indigenous people impacts, gender and vulnerability issues, etc., needs to be built in the Project. Training of PMU/PIU staff on aspects such as environmental planning/resettlement planning/implementation, social protection and gender, including the specific recording, reporting, and disclosure requirements therefore need to be planned separately.

90. For the capacity building of PIU designated social safeguards officer and engineers, PMU with the assistance of PMC will organize training programs on safeguards. Services of consultant trainers may be procured for coordinating and imparting required trainings to the staff.

91. Owing to the low capacity in tier II towns, there is a need to specially focus on capacity building on social (distinct social, economic and cultural traits and traditions of people and the importance of preserving these, including indigenous knowledge systems, etc.), legal (traditional rights over land and land tenure issues) and technical aspects in such projects with an adequate budgetary provision. Training on provisions of EARF/ resettlement framework. Further, capacity building of CBOs in the Project area will be considered to ensure that they are able to represent the affected groups more effectively. If required external resources, e.g., anthropologists and development practitioners with relevant experience will be employed. Additional measures to enhance institutional capacity include exposure visits of social safeguard staff of the Project to other Indian states that have successfully implemented ADB funded Projects.

### **D. Coordination with Other Agencies and Organizations**

92. MPUSIP PMU has established networking relationships with line departments and other government and NGOs. For example, the MPPCB has a significant role in environmental issues while the Water Resources Department, Revenue Department and District Administration play a significant role. Without effective coordination, safeguards implementation will be delayed. The PMU will (i) coordinate with the Madhya Pradesh Pollution Control Board (MPPCB) on environmental issues and Water Resources Department on water extraction, and Revenue Department to expedite the land acquisition if any, and transfer related process, and (ii) interact

with the various government agencies on issues pertaining to shifting of utility lines, etc. Restoration of community assets, if needed, will require help from relevant government departments as well. The Project will develop lateral linkages to achieve convergence/mobilize resources to benefit affected persons (e.g. establishing linkages with the government's livelihoods Projects) and to achieve the desired results expected from IEE/EIA and resettlement plan/IPP implementation.

### E. Implementation Process and Implementation Schedule

93. All resettlement and compensation for each contract package will be completed before displacement. All land required will be provided free of encumbrances to the contractor prior to handing over of subprojects site and the start of civil works. The implementation of the resettlement plan will include:

- (i) Identification of cut-off date and notification;
- (ii) Verification of losses and extent of impacts;
- (iii) Finalization of entitlements and distribution of identity cards;
- (iv) Consultations with affected persons on their needs and priorities; and
- (v) Resettlement, provision of compensation and assistance, and income restoration for affected persons.

## XIV. IMPLEMENTATION ARRANGEMENTS











94. All land required, for any particular sub-project/component, will be provided free of encumbrances to the contractor prior to handing over of site and the start of civil works. All land acquisition and resettlement of APs is to be completed before the commencement of civil works. The implementation of RPs will include: (i) identification of cut-off date and notification; (ii) verification of losses and extent of impacts; (iii) finalization of entitlements and distribution of identity cards; (iv) consultations with APs on their needs and priorities; and, (v) resettlement and rehabilitation of the APs.

95. No civil works, for any particular component wherein land acquisition and resettlement<sup>46</sup> is involved, will begin until APs receive entitled and approved compensation packages. The implementation schedule for the RP is given in Table 5. APs will be given sufficient notice to vacate their property before civil works begins.

**Table 5: Schedule of Resettlement Implementation**

Activities	2016	2017				2018				2019				2020				2021			
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Approval of RP/IPP/DDR by ADB and by PD MPUSIP	♦																				
Disclosure of RP	♦																				

<sup>46</sup> For components that do not require land acquisition, or detailed designs, the civil works will be taken up at an early date.

Activities	2016	2017	2018	2019	2020	2021
Distribution of RP/IPP/DDR and Brochure/PID leaflet for packages ready for implementation						
Assigning responsibility to PMU and PIU safeguards Staff						
Socio-economic survey by PIU/DSC and list of APs						
Issue of identity cards						
Identify and confirm poor and vulnerable APs						
Form Grievance Redress Committee	◆					
Grievance Redress Activities						
Disburse compensation payment and assistance in packages ready for implementation						
Arrangements for temporary occupation of lands						
Rehabilitation of temporarily occupied lands as and when works completed						
Handing over of lands to the contractor for construction <sup>47</sup>						

<sup>47</sup> For components not involving land acquisition, the handing over of project sites to the contractor will be possible from the first quarter. For the other components involving land acquisition and resettlement, the project sites will be handed over for civil works by the fourth quarter.

Activities	2016	2017	2018	2019	2020	2021
<b>Livelihood and Income Restoration</b>						
Disburse livelihood restoration assistance	■					
Organize skill development training for vulnerable APs	■					
Capacity Building of PIU field staff and contractors	■	■				
Internal monitoring		■	■	■	■	■
External monitoring (TBD)		■	■	■	■	■

ADB = Asian Development Bank, APs = affected persons, DSMC = design and supervision management consultant, RP = Resettlement Plan.

## XV. MONITORING AND REPORTING

### A. Internal Monitoring

96. Internal monitoring will be undertaken by Project Officer (Social Safeguards and Gender), PMU with assistance from the PIUs and PMC. Internal monitoring will ensure all land acquisition and resettlement activities are implemented according to the approved Resettlement Plans are in accordance with this Resettlement Framework.

97. The PMC Resettlement Specialist will prepare quarterly progress reports and submit to PO(SSG) of PMU. The PO(SSG) PMU will prepare semi-annual monitoring reports and submit to ADB. The PIUs will submit quarterly progress reports to PO(SSG) PMU and PMC to inform them of resettlement plan implementation activities. These reports will describe the progress of the implementation of resettlement activities and any compliance issues and corrective actions. These reports will closely follow the involuntary resettlement monitoring indicators agreed at the time of resettlement plan approval. Outline of semi-annual monitoring report is in **Appendix 7**.

### B. External Monitoring

98. External monitoring will be needed for Category A projects. In the event such impacts are identified during project implementation in any Projects of this investment, qualified and reputable external Monitoring agency will be engaged for monitoring. ToR for External Monitoring Agency will be prepared by PMU PO(SSG) supported by PMC resettlement specialist.

99. After the implementation of the Project, the agency will carry out an end-term evaluation to assess the effectiveness of the implementation of the R&R provisions. The external impact evaluation will emphasize on assessment of achievements of Project targets and the change in quality of life of APs. For carrying out the evaluation assignment, the agency/consultant will

develop the necessary evaluation indicators. All evaluations are expected to be done on the basis of selective indicators.

100. The external impact evaluation will be made on the issues as:

- (i) Restoration of income levels of APs;
- (ii) Changes and shifts in occupational pattern;
- (iii) Changes in asset ownership;
- (iv) Changes in types of housing of AP; and
- (v) Assessing APs' access to amenities, such as water, electricity, transportation, etc.

101. The following **Table 6** tentatively lists the impact indicators to be studied to evaluate impacts after the Project is completed.

**Table 6: Impact Indicators for Evaluation**

Items	Impact Indicators	Frequency
Better Economic Conditions	<ul style="list-style-type: none"> <li>• Income: Project related and Independent means but assisted by the Project</li> <li>• Housing: Changes in quality over a period of time</li> <li>• Food Security</li> <li>• Changes in occupation</li> <li>• Skill portfolio</li> <li>• Migration profile</li> </ul>	<ul style="list-style-type: none"> <li>• Implementation stage through monitoring.</li> <li>• Implementation and post implementation stage through mid-term and end-term impact evaluation study</li> </ul>
Better Social Conditions	<ul style="list-style-type: none"> <li>• Representation in Community Based Institutions</li> <li>• Indicators of participation</li> <li>• Empowerment</li> <li>• School enrolment</li> <li>• Health and morbidity</li> <li>• Better available infrastructure: potable water, living space, sanitation, proper road and drainage facilities, etc.</li> </ul>	<ul style="list-style-type: none"> <li>• Implementation stage through monitoring.</li> <li>• Implementation and post implementation stage through impact evaluation study</li> </ul>

102. Evaluation study reports, one mid-term and one end-term will be generated based on the findings of the mid-term and end-term evaluation studies. The reports will have to be generated within one month after the studies are conducted. The mid-term evaluation report should highlight project achievements as per set targets for the period and specify whether any problem exists in the implementation of the RP. If such problems are encountered, then the reports should provide rectification measures for achieving targets in the next phase.

103. The end-term evaluation will reveal the actual target achievements of RP implementation by the PIUs. This report should take into account whether the Project has improved the quality of life of the city people, especially APs. Any lacunae in the process of RP implementation should also be stated with future strategies to overcome such situations so that project benefits can be utilized by the APs to the furthest extent.



**PROPOSED WORKS AND CONTRACT PACKAGES UNDER MPUSIP**

<b>Package Number</b>	<b>General Description</b>	<b>Estimated Value million \$ (million INR)</b>	<b>IR Impact Summary</b>	<b>Status of Documentation as on August 2016</b>
MPUSIP – 1A	Water Supply Improvement in Boda, Kurawar and Kothari.	9.05 (597.1)	No IR impacts assessed for Kothri, as all proposed sites and alignments belong to government. The contractor will ensure that temporary economic impacts to shops/businesses are avoided through simple measures such as provision of planks for access, avoidance of construction on weekly market days.	DDR for Kothri prepared  DDR for Boda and Kurawar under preparation.
MPUSIP - 1B	Water Supply Improvement in Amla, Betul- Bazar, Bhainsdehi and Sarni.	23.72 (1565.1)	-	DPR under preparation/IR Impacts Categorisation and safeguards documentation will depend on design.
MPUSIP - 1C	Water Supply Improvement in Bankhedi and Sohagpur.	10.10 (666.3)	-	Same as above
MPUSIP – 2A	Water Supply improvements in Betma, Depalpur and Goutampura.	10.85 (716.0)	-	Same as above
MPUSIP – 2B	Water Supply improvements in Pansemal, Rajpur, Karhi Padiya, and Kasrawad	22.65 (1494.9)	No IR impacts assessed as all proposed sites and alignments belong to government. The contractor will ensure that temporary economic impacts to shops/businesses are avoided through simple measures such as provision of planks for access, avoidance of construction on weekly market days.	DDR
MPUSIP – 2C	Water Supply improvements in Dhamnod, and Mandav	16.28 (1074.8)	Same as above	DDR
MPUSIP – 2D	Water Supply improvements in Bhavra, Meghnagar and Petlawad	10.20 (673.4)	-	DPR under preparation/IR Impacts Categorisation and documentation will depend on design

Package Number	General Description	Estimated Value million \$ (million INR)	IR Impact Summary	Status of Documentation as on August 2016
MPUSIP – 3A	Water Supply Improvement in Athana, Kukdeswar, Nayagoan, Sarwania-Maharaj and Nagari.	10.20 (673.4)	No IR impacts assessed as all proposed sites and alignments belong to government. The contractor will ensure that temporary economic impacts to shops/businesses are avoided through simple measures such as provision of planks for access, avoidance of construction on weekly market days.	DDR
MPUSIP – 3B	Water Supply Improvement in Susner, Pankhedi and Makdon.	8.72 (575.4)	Crop loss to encroachers on government land (site for proposed WTP in Makdon) anticipated. Census/socio-economic survey of APs and assessment of IR impacts under way.  No IR impacts assessed in Susner and Pankhedi as all proposed sites and alignments belong to government. The contractor will ensure that temporary economic impacts to shops/businesses are avoided through simple measures such as provision of planks for access, avoidance of construction on weekly market days.	RP for Makdon under preparation.  DDR for Susner and Pankhedi
MPUSIP– 4A	Water Supply Improvement in Akoda, Alampur, Daboh, Mihona and Phupkalan.	14.57 (961.8)	No IR impacts assessed as all proposed sites and alignments belong to government. The contractor will ensure that temporary economic impacts to shops/businesses are avoided through simple measures such as provision of planks for access, avoidance of construction on weekly market days.	DDR

<b>Package Number</b>	<b>General Description</b>	<b>Estimated Value million \$ (million INR)</b>	<b>IR Impact Summary</b>	<b>Status of Documentation as on August 2016</b>
MPUSIP – 4B	Water Supply Improvement in Bhind	14.75 (972.3)	-	DPR under preparation/IR Impacts Categorisation and documentation will depend on design
MPUSIP – 4C	Water Supply Improvement in Gohad	17.50 (1155.1)	-	Same as above
MPUSIP- 4D	Water Supply Improvement in Isagarh, Aron, Bairad, Karera and Pichhore	21.24 (1401.9)	-	Same as above
MPUSIP– 4E	Water Supply Improvement in Antri, Bilaua and Pichhore	6.80 (448.10)	-	Same as above
MPUSIP – 5A	Water Supply Improvement in Barhi	4.70 (310.20)	No IR impacts assessed as all proposed sites and alignments belong to government. No IR impacts assessed as all proposed sites and alignments belong to government. The contractor will ensure that temporary economic impacts to shops/businesses are avoided through simple measures such as provision of planks for access, avoidance of construction on weekly market days and diversion of traffic.	DDR
MPUSIP – 5B	Water Supply Improvement in Katangi, Bhedaghat, Majholi, Panagar, Patan, Sihora and Tendukhera.	36.52 (2410.40)	-	DPR under preparation/IR Impacts Categorisation and documentation will depend on design

Package Number	General Description	Estimated Value million \$ (million INR)	IR Impact Summary	Status of Documentation as on August 2016
MPUSIP – 6A	Water Supply Improvements in Khajuraho and Rajnagar	10.42 (687.60)	Impact (crop loss) to 7 encroachers on government land proposed for WTP, anticipated. None are vulnerable. In the event that permission (applied for) for transmission pipe alignment through Archeological Survey of India (government) land is not received, negotiated settlement for 200 sq m land, or, exercise of government's right of use as per MP Underground Pipelines, Cables and Ducts Act 2013 may be required (option to be finalised based on consultation with affected persons in updated RP).	RP
MPUSIP -6B	Water Supply Improvement to Sagar and Makronia	68.20 (4501.20)	No IR impacts assessed as all proposed sites and alignments belong to government. The contractor will ensure that temporary economic impacts to shops/businesses are avoided through simple measures such as provision of planks for access, avoidance of construction on weekly market days.	DDR
MPUSIP- 6C	Water Supply Improvement in Rahatgarh	6.30 (414.60)	No IR impacts assessed as all proposed sites and alignments belong to government. The contractor will ensure that temporary economic impacts to shops/businesses are avoided through simple measures such as provision of planks for access, avoidance of construction on weekly market days.	DDR

Package Number	General Description	Estimated Value million \$ (million INR)	IR Impact Summary	Status of Documentation as on August 2016
MPUSIP- 6D	Water Supply Improvement in Baxwaha, Hata and Pawai.	10.71 (707.90)	No IR impacts assessed as all proposed sites and alignments belong to government. The contractor will ensure that temporary economic impacts to shops/businesses are avoided through simple measures such as provision of planks for access, avoidance of construction on weekly market days.	DDR
MPUSIP- 6E	Waste Water Management in Khajuraho and Rajnagar.	8.20 (542.40)	-	DPR under preparation. RP to be prepared based on assessment of alternatives and detailed design
MPUSIP- 7A	Water Supply Improvement in Mauganj	8.80 (580.40)	No IR impacts assessed as all proposed sites and alignments belong to government. The contractor will ensure that temporary economic impacts to shops/businesses are avoided through simple measures such as provision of planks for access, avoidance of construction on weekly market days.	DDR
MPUSIP- 7B	Water Supply Improvement in Jaithari, Khand and Chandia.	8.20 (541.10)	No IR impacts assessed as all proposed sites and alignments belong to government. The contractor will ensure that temporary economic impacts to shops/businesses are avoided through simple measures such as provision of planks for access, avoidance of construction on weekly market days.	DDR

## REVIEW AND COMPARISON OF BORROWERS POLICY AND ADB POLICY

In addition to ADB policy on Involuntary Resettlement, applicable existing laws policies of Government of India and State Government are reviewed for preparation of this RF. Following sections deals with the details of applicable policy requirements.

### 1. Land Acquisition, Rehabilitation and Resettlement Act (LARR), 2013

This new RFCT in LARR repeals the Land Acquisition Act, 1984 and is applicable to all states in India including Rajasthan (Except the state of Jammu and Kashmir). LARR, 2013 is a first national/central law that addresses land acquisition and rehabilitation and resettlement collectively. Establishing of a completely new Act, which was due from a long time, is a pioneering step taken by the Government of India (GoI) in providing a humane, participative, informed and transparent process for permanent/temporary land acquisition in the public interest. The Act lays down procedures for estimating fair compensation of the affected families (and not just the titleholders) due to land acquisition, rehabilitation and resettlement. The Act prohibits acquisition of multi-cropped irrigated land as a special provision to safeguard food security, unless in exceptional circumstances as a demonstrable last resort<sup>1</sup>. The general process for land acquisition and resettlement under LARR is:

**a. Preliminary Investigations/Preparation of SIA/SIMP.** It is mandatory under the Act to conduct a time bound Social Impact Assessment (SIA) and Social Impact Management Plan (SIMP). No land acquisition shall be initiated unless SIA/SIMP is approved by the Expert Group. SIA shall also be conducted in a participatory manner and with all necessary public hearings, dissemination etc. duly followed.

“Requiring Body” shall have to conduct SIA with the appropriate government body (Panchayat, Municipality or Municipal Corporation) and date of such study shall be communicated by the government notification. This notification shall be made available in local language(s) to the appropriate government body, in the offices of the District Collector, Sub-Divisional Magistrate and the Tehsil and shall be published in the affected areas. (also uploaded on the appropriate government websites).

- SIA shall be completed within six months after the date of its commencement.
- SIA report will be made available to all APs
- SIA shall: (i) confirm the proposed acquisition is for the public purpose and extent of land proposed is the absolute bare minimum extent needed for the project; (ii) number of affected families, displaced families; details of extent of loss and other associated social impacts ; (iii) costing for addressing estimated losses and social impacts.
- SIA shall conduct public hearing (with adequate prior notice about the date, venue, time etc. in affected area and to affected families). Outcomes of this will be documented and included in the SIA report.

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<sup>1</sup> Wherever such land is acquired, an equivalent area of culturable wasteland shall be developed for agricultural purposes or an amount equivalent to the value of land acquired shall be deposited with the appropriate Government for investment in agriculture for enhancing food-security. This condition has been included in the entitlement matrix. These provisions however do not apply in case of projects that are linear in nature such as railways, highways, other roads, canals, power lines etc.

- SIA shall also prepare Social Impact Management Plan (SIMP) which will include each component wise ameliorative measures to address land acquisition and social impacts.
- SIA and SIMP shall be made available in local language(s) to the appropriate government body, in the offices of the District Collector, Sub-Divisional Magistrate and the Tehsil and shall be published in the affected areas. (also uploaded on the appropriate government websites).

Appraisal of SIA/SIMP by an Expert Group. SIA report shall be evaluated by an independent multi-disciplinary Expert Group constituted by the appropriate government. Expert Group constituted shall include: (i) two non-official social scientists; (ii) two representatives from Panchayat, Gram Sabha, Municipality or Municipal Corporation as the case may be; (iii) two experts on rehabilitation; and (iv) a technical expert in the subject relating to the project (total 7 members). Appropriate government may nominate any of them as chairman of the Expert Group. Expert Group withholds rights to abandon the project if of opinion that: (i) the project does not serve any public purpose; and (ii) social costs and adverse social impacts of the project outweigh the potential benefits. The Expert Group shall make his recommendation within two months from the date of its constitution and have to give in writing the reasons for such decision. The recommendation of the Expert Group shall be made available in local language(s) to the appropriate government body, in the offices of the District Collector, Sub-Divisional Magistrate and the Tehsil and shall be published in the affected areas. (also uploaded on the appropriate government websites).

**b. Preliminary Notification, Objections and Hearing.** Followed by SIA approval, a requiring body shall publish<sup>2</sup> a preliminary notification and inform various concerned authorities regarding this in a meeting called specially for this purpose. SIA report shall be considered lapsed if the preliminary notification is not issued within 12 months from its approval; unless otherwise specified in writing by the appropriate government for special circumstances. The preliminary notification will include: (i) statement on project/ public purpose; (ii) reasons necessitating the land acquisition; (iii) summary of SIA; and (iv) particulars of the Administrator appointed for the purpose of rehabilitation and resettlement. After the preliminary notification is issued, landowners shall not make any further transactions of the land specified and create any encumbrance on such land. If made so, landowner shall make this willful in writing and impacts associated shall not be borne by the Collector/acquiring authority. Appropriate government authority shall undertake updating of all land records etc. within two months after the issue of preliminary notification provided that all associated activities (surveys etc.) shall be carried out after adequate prior notice and in the presence of the landowner or person authorized by him in writing.

All affected landowners shall have right to raise objection(s) for the proposed land acquisition within 60 days from the issue of preliminary notification. These objection(s) however shall be made to the Collector in writing and the objector shall get opportunity to be heard in person. The Collector shall present a report to the appropriate government containing his recommendations on the objections along with details of affected families, land and associated cost. The decision of the appropriate government on the objections made shall be final. The DC then shall

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<sup>2</sup> Notification will be published in (i) official Gazette; (ii) two daily newspapers in project affected area of which one will in regional language; (iii) in local language in the office of appropriate government office, and offices of District Collector, Sub-Divisional Magistrate and the Tehsil; (iv) website of the appropriate government; and (v) in affected areas at various places (as may be prescribed).

consolidate and present his recommendations on all objections heard to the appropriate Government and the decision of the appropriate Government shall remain final.

**c. Preparation of Rehabilitation and Resettlement Scheme and its Declaration.** After the issue of preliminary notification, Administrator appointed for rehabilitation and resettlement shall conduct a survey, census of the affected families and prepare a draft Rehabilitation and Resettlement Scheme (RRS). Draft RSS shall include: (i) particulars of land and immovable property to be acquired of each affected family; (ii) livelihood losses of landowners as well as dependent landless families; (iii) list of government/public buildings and details of utilities and/or infrastructure facilities where resettlement of affected families is involved; (iv) details of common property resources being acquired; and (v) particulars of the rehabilitation and resettlement entitlements of each affected landowner and landless family and list/details of government buildings, utilities, infrastructure facilities to be provided in the area. The Administrator shall also set implementation timeline in draft RSS. Like SIA, draft RRS shall also be made available to all affected families or at the offices/website of government agencies involved. Administrator shall also conduct a public hearing (with adequate prior notice about the date, venue, time etc. in affected area and to affected families) and shall submit draft RSS along with specific report on claims and objections raised in public hearings to the Collector. The Collector shall submit draft RSS incorporating his suggestions to the Commissioner-Rehabilitation and Resettlement who shall approve the RSS in the last. The approved RSS shall also be made available in local language(s) to the appropriate government body, in the offices of the District Collector, Sub-Divisional Magistrate and the Tehsil and shall be published in the affected areas. (also uploaded on the appropriate government websites).

The Collector shall publish<sup>3</sup> a summary of RSS along with Declaration under the hand and seal of Secretary to such Government or any other official duly authorized<sup>4</sup> only after the Requiring Body deposits amount towards the cost of land acquisition<sup>5</sup>. RSS summary and Declaration shall be compulsorily made within the twelve months after the issue of preliminary notification. If not complied, such notification shall be considered rescinded unless land acquisition was held up on account of any stay or injunction by the order of Court.

**d. Public Notice and Award.** After the Declaration is made, the Collector shall publish the public notice on his website and cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take Possession of the land and that claims to compensations an rehabilitation and resettlement for all interests in such land may be made to him. Affected landowners/families shall meet in person or through person authorized within six months to place any objections. Collector shall make an award within a period of twelve months from the date of publication of the Declaration and if not award is made within that period; the entire proceedings of the acquisition of the land shall lapse. Award shall be exempt from income tax, stamp duty and fees.

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<sup>3</sup> Declaration shall be published in (i) official Gazette; (ii) two daily newspapers in project affected area of which one will in regional language; (iii) in local language in the office of appropriate government office, and offices of District Collector, Sub-Divisional Magistrate and the Tehsil; (iv) website of the appropriate government; and (v) in affected areas at various places (as may be prescribed).

<sup>4</sup> Summary RSS shall not be published unless it is published along with Declaration.

<sup>5</sup> In full or part, as prescribed by the appropriate Government



Land Acquisition Award shall include:

- Loss of land as per market value determined;
- Standing crops/trees/plants. The Collector can use the services of experienced persons in the field of agriculture, forestry, horticulture, sericulture, or any other field, as may be considered necessary by him;
- Damage (if any) sustained by reason of severing adjoining lands from/to affected land;
- Damage to any property/building (movable or immovable) or earnings. The Collector uses the services of a competent engineer or any other specialist in the relevant field as considered necessary by him;
- Reasonable expenses incidental such change if affected landowner is compelled to change his place of residence or business;
- *Bonafide*; resulting from diminution of the profits of the land between the time of the publication of the declaration and the time of the Collector's taking possession of the land; and
- any other ground which may be in the interest of equity, justice and beneficial to the affected families.

The Collector shall impose Solatium equivalent to the 100 percent of the total compensation amount as estimated above. In addition, 12 percent interest per annum shall be payable for the period from the date of issue of SIA notification till the date of award or date of taking possession of land, whichever is earlier. The Collector shall keep open to the public and display a summary of the entire proceedings undertaken in a case of acquisition of land including the amount of compensation awarded to each individual along with details of the land finally acquired under this Act on the website created for this purpose. Land Acquisition payment shall be made within three months and R&R (except infrastructure entitlements-within 18 months) shall be made within six months from the date of the award. The Collector shall acquire land only after such payment; unless in urgency cases where land can be acquired within 30 days from the date of notice (notice to acquire land)<sup>6</sup>. As per the Act, the land acquisition that involves involuntary displacement of SC/ST shall require preparation of Development Plan. In such cases, one third of the compensation shall be paid before taking possession of the land. (page 20-21-22 for IPP)

**Commissioner:** The State Government shall appoint an officer of the rank of Commissioner or Secretary of that Government for rehabilitation and resettlement of affected families under this Act, to be called the Commissioner for Rehabilitation and Resettlement. The Commissioner shall be responsible for supervising the formulation of rehabilitation and resettlement schemes or plans, its proper implementation and conducting post-implementation social-audit in consultation with the appropriate Government. The Commissioner shall also establish a Rehabilitation and Resettlement Committee at project level to monitor and review the progress, under the chairmanship of the Collector, if involves land acquisition of more than 100 acres.

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<sup>6</sup> If there is any displacement involved, the Collector shall be responsible for ensuring that the rehabilitation and resettlement process is completed in all its aspects before displacing the affected families. The Collector shall also, as far as possible, not displace any family which has already been displaced by the appropriate Government for the purpose of acquisition under the provisions of this Act, and if so displaced, shall pay an additional compensation equivalent to that of the compensation determined under this Act for the second or successive displacements.

**Administrator:** If involuntary displacement of persons is involved then the State Government shall, by notification appoint an officer not below the rank of Joint Collector or Additional Collector or Deputy Collector or equivalent official of Revenue Department to be the Administrator for Rehabilitation and Resettlement. Formulation, execution and monitoring of the Rehabilitation and Resettlement Scheme shall vest in the Administrator.

**Establishment, by notification by appropriate Government, of Land Acquisition, Rehabilitation and Resettlement Authority.** For the purpose of speedy disposal of disputes relating to land acquisition, compensation and R&R. The authority shall consist of one person called Preceding Officer. Preceding Officer shall be either District Judge or qualified legal practitioner with minimum seven years of service and shall be appointed in consultation with the Chief Justice of the High Court within the Project jurisdiction. He shall hold the office for three years and shall be supported by Registrar and other officers. The Authority shall, for the purposes of its functions under this Act, shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908. Authority (GRS) shall dispose any matter received within six months. All proceedings before Authority shall be judicial proceedings and shall take place in public. No civil court (other than High Court or the Supreme Court) shall have jurisdiction to entertain any dispute relating to land acquisition in respect of which the Collector or the Authority is empowered by or under this Act, and no injunction shall be granted by any court in respect of any such matter. Applications first go to Collector and within 30 days he can refer (if required) to the Authority. Such application can be made within six weeks by the applicant (if he or representative is personally present) after the date of award, and in other cases within six months. Collector may also accept any application within one year if feels appropriate. Interests are payable for delayed and excess payments.

Temporary occupation of the land. Appropriate government shall request the Collector for such occupation for the term of maximum three years from the date of occupation. Compensation of any impacts/losses incurred shall be paid gross, monthly/periodic installments whichever is agreed in writing with the affected person. On the termination of agreement further estimation of any damage to the land shall be done and land will be restored as before. If the land become permanently unfit for the purpose it was used immediately before its occupation, the under the Act, it shall be acquired. Any disputes arising which are not addressed by the Collector shall be referred to the Authority.

### **3 ADB's Safeguard Policy Statement, 2009**

ADB has adopted Safeguard Policy Statement (SPS) in 2009 including safeguard requirements for environment, involuntary resettlement and indigenous people. The objectives of the Involuntary Resettlement Safeguard policy is to avoid involuntary resettlement wherever possible; to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups.

The involuntary resettlement safeguards covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary.

The main policy principles of the Involuntary Resettlement Safeguard are:

- (i) Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks;
- (ii) Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase;
- (iii) Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible;
- (iv) Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required;
- (v) Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing;
- (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status;
- (vii) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets;
- (viii) Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule;
- (ix) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other

- stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders;
- (x) Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation;
  - (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation; and
  - (xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

#### 4 Comparison of National Policies with ADB's SPS, 2009

A detailed policy comparison between ADB's SPS, 2009, LARR, 2013, NRRP 2007, and the RF are given in following Table.

**Table 1: Policy Comparison and Compliance of RF with ADB SPS**

	<b>ADB SPS Policy Principles</b>	<b>LARR</b>	<b>Remarks</b>	<b>Compliance of proposed RF with ADB's Safeguards Policy Statement</b>
1.	Involuntary resettlement should be avoided where feasible.	✓	Both LARR and SPS emphasis on avoiding involuntary resettlement	This is addressed in the RF. The locations for project components have been identified in such a manner that IR is avoided to the extent possible. These IR impacts shall be further minimized during implementation.
2.	Where population displacement is unavoidable, it should be minimized by exploring viable project options.	✓	LARR also suggests taking all possible options in to consideration and preparation of SIA/SIMP that confirms that all viable options were explored before proposing the final land acquisition for the public purpose.	This is addressed in the RF. The locations for project components have been identified in such a manner that IR is avoided to the extent possible.
3.	If individuals or a community must lose their land, means of livelihood, social support systems, or way of life in order that a project might proceed, they should be compensated	✓	According to the ADB's SPS 2009 a RP will be prepared that is commensurate with the extent and degree of the impacts. Impacts are	The RF addresses the IR impacts. The entitlements to the APs are outlined in the Entitlement Matrix.

	<b>ADB SPS Policy Principles</b>	<b>LARR</b>	<b>Remarks</b>	<b>Compliance of proposed RF with ADB's Safeguards Policy Statement</b>
	and assisted so that their economic and social future will generally be at least as favorable with the project as without it. Appropriate land, housing, infrastructure, and other compensation, comparable to the without project situation, should be provided to the adversely affected population, including indigenous groups, ethnic minorities, and pastoralists who may have usufruct or customary rights to the land or other resources taken for the project.		considered significant when 200 or more people will experience major impacts. The new LARR also suggest preparation of IPP.	
4.	Any involuntary resettlement should, as far as possible, be conceived and executed as a part of a development project or program and resettlement plans should be prepared with appropriate time bound actions and budgets. Resettlers should be provided sufficient resources and opportunities to reestablish their homes and livelihoods as soon as possible.	✓	According to the ADB's SPS 2009 a RP will be prepared that is commensurate with the extent and degree of the impacts. LARR has laid down detailed guidelines and preparation of similar plans like RP.	The RF addresses the IR impacts. The entitlements to the APs are outlined in the Entitlement Matrix.  A time-bound action plan and implementation schedule for the IR activities is outlined. The key RP activities are identified and the responsibilities for the same outlined.
5.	The affected people should be fully informed and closely consulted on resettlement and compensation options. Where adversely affected people are particularly vulnerable, resettlement and compensation decisions should be preceded by a social preparation phase to build up the capacity of the vulnerable people to deal with the issues.	✓	LARR recognizes all affected people/families irrespective of their titles. Inventory of all affected people will be recorded as a part of SIA/SIMP.	Consultations have been carried out with APs. This will be further consolidated by the RP assigned NGO. The plan for information disclosure in the project, including the RF.
6.	Appropriate patterns of social organization should be promoted, and existing social and cultural institutions of resettlers and their hosts should be supported and used	✓	All policies, SPS, LARR adequately address this.	This is addressed in the Entitlement Matrix.

	<b>ADB SPS Policy Principles</b>	<b>LARR</b>	<b>Remarks</b>	<b>Compliance of proposed RF with ADB's Safeguards Policy Statement</b>
	to the greatest extent possible. Resettlers should be integrated economically and socially into host communities so that adverse impacts on host communities are minimized. One of the effective ways of achieving this integration may be by extending development benefits to host communities.			
7.	The absence of formal legal title to land some affected groups should not be a bar to compensation. Affected persons entitled to compensation and rehabilitation should be identified and recorded as early as possible, preferably at the project identification stage, in order to prevent an influx of illegal encroachers, squatters, and other nonresidents who wish to take advantage of such benefits. Particular attention should be paid to the needs of the poorest affected persons including those without legal title to assets, female-headed households and other vulnerable groups, such as indigenous peoples, and appropriate assistance provided to help them improve their status.	✓	All policies, SPS, LARR adequately address this	The process for verification of impacts and establishing the eligibility of the APs is outlined in the RF.

	<b>ADB SPS Policy Principles</b>	<b>LARR</b>	<b>Remarks</b>	<b>Compliance of proposed RF with ADB's Safeguards Policy Statement</b>
8.	The full costs of resettlement and compensation, including the costs of social preparation and livelihood programs as well as the incremental benefits over the "without project" situation, should be included in the presentation of Project costs and benefits.	✓	According to the ADB's SPS 2009 a RP will be prepared that is commensurate with the extent and degree of the impacts. Impacts are considered significant when 200 or more people will experience major impacts. LARR provides detailed guidelines for preparation rehabilitation and resettlement scheme involving all land acquisition and resettlement losses which forms a part of project cost. SIA also outlines project benefits vs impacts.	The RF addresses the IR impacts. The entitlements to the APs are outlined in the Entitlement Matrix.  This is addressed in the Entitlement Matrix
9.	To better assure timely availability of required resources and to ensure compliance with involuntary resettlement procedures during implementation, eligible costs of resettlement and compensation may be considered for inclusion in Bank loan financing for the project, if requested.	-	LARR initiate land acquisition only if the required money is deposited with the DC.	The impacts have been assessed and RP costs according to the entitlement matrix have been worked out. These costs are included in the Project Costs.

## **OUTLINE OF RESETTLEMENT PLAN**

The comprehensiveness of a resettlement plan would be according to the potential involuntary resettlement impacts/ risks and size of the project. The resettlement plan must adequately addresses all involuntary resettlement issues pertaining to the project, describes specific mitigation measures that will be taken to address the issues and outlines institutional requirement and resources required to implementation of the RP. The following outline of RP is suggested for the present project.

### **A. Executive Summary**

This section provides a concise statement of project scope, key survey findings, entitlements and recommended actions.

### **B. Project Description**

This section provides a general description of the project, discusses project components that result in land acquisition, involuntary resettlement, or both and identify the project area. It also describes the alternatives considered to avoid or minimize resettlement. Include a table with quantified data and provide a rationale for the final decision.

### **C. Scope of Land Acquisition and Resettlement**

This section:

- (i) discuss the project's potential impacts, and include maps of the areas or zone of impact of project components or activities;
- (ii) describes the scope of land acquisition (provide maps) and explains why it is necessary for the main investment project;
- (iii) summarizes the key effects in terms of assets acquired and displaced persons; and
- (iv) provides details of any common property resources that will be acquired.

### **D. Methodology for Impact Assessment**

This section outlines the methodology and tools adopted for:

- (i) resettlement screening
- (ii) land acquisition planning
- (iii) socioeconomic survey
- (iv) census survey or inventory of assets and livelihood loss
- (v) consultation with stakeholders

### **E. Socioeconomic Information and Profile**

This section outlines the results of the social impact assessment, the census survey, and other studies, with information and/or data disaggregated by gender, vulnerability, and other social groupings, including:

- (i) define, identify, and enumerate the people and communities to be affected;
- (ii) describe the likely impacts of land and asset acquisition on the people and communities affected taking social, cultural, and economic parameters into account;



- (iii) discuss the project's impacts on the poor, indigenous and/or ethnic minorities, and other vulnerable groups; and
- (iv) identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.

## **F. Stakeholders Consultation and Participation**

This section:

- (i) identifies project stakeholders, especially primary stakeholders;
- (ii) describes the consultation and participation mechanisms to be used during the different stages of the project cycle;
- (iii) summarizes the results of consultations with affected persons (including host communities), and discusses how concerns raised and recommendations made were addressed in the resettlement plan; and
- (iv) describes the process for consultation with affected persons during project implementation.

## **G. Legal Framework**

This section:

- (i) describes national and local laws and regulations that apply to the project and identify gaps between local laws and ADB's policy requirements; and discuss how any gaps will be addressed;
- (ii) describes the legal and policy commitments from the executing agency for all types of displaced persons;
- (iii) outlines the principles and methodologies used for determining valuations and compensation rates at replacement cost for assets, incomes, and livelihoods; and set out the compensation and assistance eligibility criteria and how and when compensation and assistance will be provided; and
- (iv) describes the land acquisition process and prepare a schedule for meeting key procedural requirements.

## **H. Entitlements, Assistance and Benefits**

This section:

- (i) defines displaced persons' entitlements and eligibility, and describes all resettlement assistance measures (includes an entitlement matrix);
- (ii) specifies all assistance to vulnerable groups, including women, and other special groups; and
- (iii) outlines opportunities for affected persons to derive appropriate development benefits from the project.

## **I. Relocation of Housing and Settlements**

This section:

- (i) describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and/or self-selection (ensure that gender concerns and support to vulnerable groups are identified);
- (ii) describes alternative relocation sites considered; community consultations conducted; and justification for selected sites, including details about location, environmental assessment of sites, and development needs;

- (iii) provides timetables for site preparation and transfer;
- (iv) describes the legal arrangements to regularize tenure and transfer titles to resettled persons;
- (v) outlines measures to assist displaced persons with their transfer and establishment at new sites;
- (vi) describes plans to provide civic infrastructure; and
- (vii) explains how integration with host populations will be carried out.

## **J. Income Restoration and Rehabilitation**

This section:

- (i) identifies livelihood risks and prepare disaggregated tables based on demographic data and livelihood sources;
- (ii) describes income restoration programs, including multiple options for restoring all types of livelihoods (examples include project benefit sharing, revenue sharing arrangements, joint stock for equity contributions such as land, discuss sustainability and safety nets);
- (iii) outlines measures to provide social safety net through social insurance and/or project special funds;
- (iv) describes special measures to support vulnerable groups;
- (v) explains gender considerations; and
- (vi) describes training programs.

## **K. Resettlement Budget and Financing Plan**

This section:

- (i) provides an itemized budget for all resettlement activities, including for staff training, monitoring and evaluation, and preparation of resettlement plans during loan implementation.
- (ii) describes the flow of funds (the annual resettlement budget should show the budget-scheduled expenditure for key items).
- (iii) includes a justification for all assumptions made in calculating compensation rates and other cost estimates (taking into account both physical and cost contingencies), plus replacement costs.
- (iv) includes information about the source of funding for the resettlement plan budget.

## **L. Information Disclosure**

This section:

- (i) describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders;
- (ii) confirms disclosure of the draft resettlement plan to affected persons and includes arrangements to disclose any subsequent plans; and
- (iii) describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) during project implementation.

### **M. Grievance Redress Mechanisms**

This section describes mechanisms to receive and facilitate the resolution of affected persons' concerns and grievances. It explains how the procedures are accessible to affected persons and gender sensitive.

### **N. Institutional Arrangements**

This section:

- (i) describes institutional arrangement responsibilities and mechanisms for carrying out the measures of the resettlement plan;
- (ii) includes institutional capacity building program, including technical assistance, if required;
- (iii) describes role of NGOs, if involved, and organizations of affected persons in resettlement planning and management; and
- (iv) describes how women's groups will be involved in resettlement planning and management,

### **O. Implementation Schedule**

This section includes a detailed, time bound, implementation schedule for all key resettlement and rehabilitation activities. The implementation schedule should cover all aspects of resettlement activities synchronized with the project schedule of civil works construction, and provide land acquisition process and timeline.

### **P. Monitoring and Reporting**

This section describes the mechanisms and benchmarks appropriate to the project for monitoring and evaluating the implementation of the resettlement plan. It specifies arrangements for participation of affected persons in the monitoring process. This section will also describe reporting procedures.

## **SAMPLE PROJECT INFORMATION DISCLOSURE LEAFLET**

### **Background**

Government of Madhya Pradesh (GoMP) with a sector project loan funding from Asian Development Bank (ADB) has proposed to implement Madhya Pradesh Urban Services Improvement Project (MPUSIP). Madhya Pradesh Urban Development Company Limited (MPUDC) shall be the Implementing Agency (IA) and the State Urban Development and Housing Department (UDHD) shall be the executing agency for the Project. A project management unit (PMU) created under MPUDC is implementing MPUSIP.

MPUSIP's physical components include improvements to water supply and sewerage services in identified towns, for (a) continuous, pressurized, safe and sustainable drinking water through private household metered connections in sixty-four (64) tier II towns in the state; and (b) sewage and storm water collection and treatment services proposed in two (2) towns (Khajuraho, and Rajnagar). The project also includes an institutional strengthening component and a project management and administrative support component.

### **Subproject Description**

Include description or summary of subproject components

### **Resettlement Plan (RP): Policy and Principles**

The subproject is classified as Category X (specify) for involuntary resettlement in accordance with ADB's Safeguard Policy Statement (SPS). ADB's SPS covers both temporary and permanent impacts to both titled and non-titled persons, and includes both physical and economic displacement.

Specify type of documentation undertaken (resettlement plan or due diligence report) for the concerned subproject and that it is prepared in accordance with ADB SPS 2009.

### **Involuntary Resettlement (IR) Impact**

Describe in brief anticipated IR impacts of the concerned subproject and methods to avoid, minimize or mitigate IR impacts.

### **Entitlements and Compensation**

Discuss in brief entitlements and compensation proposed in the resettlement planning document prepared for the subproject and the budgetary provision for the same.

### **Institutional Arrangements**

A central Project Management Unit (PMU) attached to MPUDC will be responsible for implementing the MPUSIP. The PMU is supported by Project Management Consultants (PMC) and Design Consultants (DC) in planning and implementation of MPUSIP. The PMU has a Project Officer (Social Safeguard and Gender). The PMU will be supported by Project

Implementation Units (PIUs) with a flexibility for redeployment depending upon the implementation requirements. Contractors will be appointed for each cluster of towns and will be responsible for detailed engineering designs, construction, and operation and maintenance.

### **Grievance Redress Mechanism (GRM)**

A three-tier grievance redress mechanism is established for the project. The first/field level grievances will be resolved by the contractors, PMC and PIU field staff immediately on-site in consultation with the complainant, within 3 days of receipt of a complaint/grievance. All grievances that cannot be redressed within 3 days at field level will be reviewed by the PIU Assistant Safeguard Officer (ASO), PMC Resettlement Specialist, in consultation with Project Engineer, who will attempt to resolve them within 10 days. The PIU ASO will refer any unresolved or major issues to the town-level GRC, who in consultation with PIU will resolve them within 30 days. The grievance redress form is available at the contractor's site office, and at the municipal office. The project GRM can also be accessed through the online CM Monitoring System or over telephone using the CM Helpline. Any inter-jurisdictional or inter-departmental issues will be referred by the PIU to the PMU for resolution, as required.

### **Contact details**

Organisation	Name	Position	Phone number	Email Id
Contractor				
PMU Project Officer (Social Safeguard and Gender)				
PMC Supervision Staff				
PMC Resettlement Specialist				

### **Enclosure: Entitlement Matrix for proposed Subproject**

## SAMPLE GRIEVANCE REGISTRATION FORM

(To be available in Hindi and English)

The \_\_\_\_\_ Project welcomes complaints, suggestions, queries, and comments regarding project implementation. We encourage persons with grievance to provide their name and contact information to enable us to get in touch with you for clarification and feedback.

Should you choose to include your personal details but want that information to remain confidential, please inform us by writing/typing \*(CONFIDENTIAL)\* above your name. Thank you.

<b>Date</b>	<b>Place of registration</b>	<b>Project Town</b>			
		<b>Project:</b>			
<b>Contact information/personal details</b>					
<b>Name</b>		<b>Gender</b>	* Male * Female	<b>Age</b>	
<b>Home address</b>					
<b>Place</b>					
<b>Phone no.</b>					
<b>E-mail</b>					
<b>Complaint/suggestion/comment/question</b> Please provide the details (who, what, where, and how) of your grievance below:					
If included as attachment/note/letter, please tick here:					
<b>How do you want us to reach you for feedback or update on your comment/grievance?</b>					

### FOR OFFICIAL USE ONLY

<b>Registered by:</b> (Name of official registering grievance)	
<b>Mode of communication:</b> Note/letter E-mail Verbal/telephonic	
<b>Reviewed by:</b> (Names/positions of officials reviewing grievance)	
<b>Action taken:</b>	
<b>Whether action taken disclosed:</b>	Yes No
<b>Means of disclosure:</b>	

### INVOLUNTARY RESETTLEMENT IMPACT CATEGORIZATION CHECKLIST

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
<b>Involuntary Acquisition of Land</b>				
1. Will there be land acquisition?				
2. Is the site for land acquisition known?				
3. Is the ownership status and current usage of land to be acquired known?				
4. Will easement be utilized within an existing Right of Way (ROW)?				
5. Will there be loss of shelter and residential land due to land acquisition?				
6. Will there be loss of agricultural and other productive assets due to land acquisition?				
7. Will there be losses of crops, trees, and fixed assets due to land acquisition?				
8. Will there be loss of businesses or enterprises due to land acquisition?				
9. Will there be loss of income sources and means of livelihoods due to land acquisition?				
<b>Involuntary restrictions on land use or on access to legally designated parks and protected areas</b>				
10. Will people lose access to natural resources, communal facilities and services?				
11. If land use is changed, will it have an adverse impact on social and economic activities?				
12. Will access to land and resources owned communally or by the state be restricted?				
<b>Information on Displaced Persons:</b>				
Any estimate of the likely number of persons that will be displaced by the Project? Yes If yes, approximately how many? _____	[ ]	No	[ ]	
Are any of them poor, female-heads of households, or vulnerable to poverty risks? Yes	[ ]	No	[ ]	
Are any displaced persons from indigenous or ethnic minority groups? Yes	[ ]	No	[ ]	

Note: The project team may attach additional information on the project, as necessary.

## **OUTLINE OF SOCIAL SAFEGUARDS MONITORING REPORT DURING PROJECT IMPLEMENTATION PERIOD**

Following requirements of the ADB Safeguard Policy Statement (2009) and the *Operations Manual* section on safeguard policy (OM F1), borrowers/clients are required to establish and maintain procedures to monitor the status of implementation of safeguard plans and ensure progress is made toward the desired outcomes. For projects categorized as A or B in Involuntary Resettlement and/or Indigenous People, the Borrowers/clients are required to submit semiannual monitoring reports for ADB review. The level of detail and comprehensiveness of a monitoring report is commensurate with the complexity and significance of social safeguards impacts (IR and IP) and with the current status of project implementation phase.

This outline can be used for periodic monitoring report (semiannual) and RP/IPP completion report to start the civil works in the impacted areas. A safeguard monitoring report may include the following elements:

### **A. Executive Summary**

This section provides a concise statement of project scope and impacts, key findings and recommended actions.

### **B. Background of the Report and Project Description**

This section provides a general description of the project, including:

- Background/context of the monitoring report which includes the information on the project, project components, safeguards categorizations and general scope of the social safeguards impacts.
- Information on the implementation progress of the project activities, scope of monitoring report and requirements, reporting period, including frequency of submission and changes in project scope and adjusted safeguard measures, if applicable
- Summary table of identified impacts and the mitigation actions.

### **C. Scope of Impacts**

This section outlines the detail of

- Scale and scopes of the project's safeguards impacts,
- Vulnerability status of the affected people/communities,
- Entitlements matrix and other rehabilitation measures, as applicable, as described in the approved final RP(s) /IPP(s).

### **D. Compensation and Rehabilitation<sup>1</sup>**

This section describes the process and progress of the implementation of the safeguards plan and other required activities as determined in the plan. This includes:

- Payment of the affected assets compensation, allowances, loss of incomes, etc. to the entitled persons;
- Provisions of other types of entitlement as described in the matrix and implementation of livelihood rehabilitation activities as determined in the plan.

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<sup>1</sup> Depending on the status of the final detail design during the submission of the report this activity might not yet started. Provide the information on the expected date the activity to be conducted instead.



Quantitative as well as qualitative results of the monitoring parameters, as agreed in the plan, should be provided.

#### **E. Public participation and consultation**

This section describes public participation and consultations activities during the project implementation as agreed in the plan. This includes final consultations with APs during RP finalization after the completion of detail design; the numbers of activities conducted; issues raised during consultations and responses provided by the project team, implementing NGOs, project supervision consultants, contractors, etc.

#### **F. Grievance Redress Mechanism (GRM)**

This section described the implementation of project GRM as design in the approved RP/IPP. This includes evaluations of its effectiveness, procedures, complaints receive, timeliness to resolve issues/ complaints and resources provided to solve the complaints. Special attentions should be given if there are complaints received from the affected people or communities.

#### **G. Institutional Arrangement**

This section describes the actual implementation or any adjustment made to the institutional arrangement for managing the social safeguards issues in the projects. This includes the establishment of safeguards unit/ team and appointment of staff in the EA/IA; implementation of the GRM and its committee; supervision and coordination between institutions involved in the management and monitoring of safeguards issues, the roles of NGO and women's groups in the monitoring and implementation of the plan, if any.

#### **H. Monitoring Results - Findings**

This section describes the summary and key findings of the monitoring activities. The results are compared against previously established benchmarks and compliance status (e.g., adequacy of IR compensation rates and timeliness of payments, adequacy and timeliness of IR rehabilitation measures including serviced housing sites, house reconstruction, livelihood support measures, and training; budget for implementing EMP, RP, or IPP, timeliness and adequacy of capacity building, etc.). It also compared against the objectives of safeguards or desired outcomes documented (e.g. IR impacts avoided or minimized; livelihood restored or enhanced; IP's identity, human right, livelihood systems and cultural uniqueness fully respected; IP not suffer adverse impacts, environmental impacts avoided or minimized, etc.). For FI projects this includes the effectiveness of the Environmental and Social Management System (ESMS) managed by the FI and its participating institutions<sup>2</sup>. If noncompliance or any major gaps identified, include the recommendation of corrective action plan.

#### **I. Compliance Status**

This section will summarize the compliance status of the project activities with the loan covenants, ADB SPS (2009) on SR 2 and the approved final RP(s).

#### **J. Follow up Actions, Recommendation and Disclosure**

This section describes recommendations and further actions or items to focus on for the remaining monitoring period. It also includes lesson learned for improvement for future safeguards monitoring activities. Disclosure dates of the monitoring report to the affected communities should also be included. A time-bound summary table for required actions should be included.

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<sup>2</sup> Specific for the FI projects, external agency may be required to conduct an audit of the project ESMS.

**Appendix 1**

- (i) List of Affected Persons and Entitlements
- (ii) Summary of RP/IPP with entitlement matrix

**Appendix 2**

- (i) Copies of AP's certification of payment (signed by the APs)
- (ii) Summary of minutes of meetings during public consultations
- (iii) Summary of complaints received and solution status

## **TERMS OF REFERENCE FOR INDEPENDENT THIRD PARTY FOR NEGOTIATED PURCHASE OR VOLUNTARY LAND DONATION**

For any voluntary donation of land, an external independent entity will supervise and document the consultation process and validate the negotiated purchase / land donation process as per legal requirement.

### **TOR for Independent Third Party Witness**

An independent third party is sought to be appointed to oversee and certify the process of negotiated purchase / land donation. The third party shall be briefed about his/her expected role and deliverables by the concerned PIU.

**Eligibility:** The third party shall be a representative of the community (for example, a leader of the community with formal/legal standing, a representative of a local NGO/CBO with formal and legal standing) or an institution, without any direct interest in the negotiation process or subproject activity, who is acceptable to each of the concerned parties (PIU/PMU and concerned land owner/donor).

**Scope of work:** The role of the third party shall be to ensure a fair and transparent process of negotiation/donation. The envisaged scope: of work shall entail the following:

- (i) witness and keep a record of meetings held with the concerned parties,
- (ii) ensure there is no coercion involved in the process of negotiated purchase / land donation,
- (iii) ensure that the donor(s) are not coming from vulnerable groups/poor families
- (iv) ensure that the preferences and concerns of the land owner / donor related to access, selection of site within lands held, etc. are recorded and any stipulated conditions met,
- (v) ensure that the negotiated purchase / land donation agreement is drafted in a fair and transparent manner,
- (vi) confirm that the offered/agreed price is fair and meet the market price of the land with similar value and condition in the area,
- (vii) ensure the negotiated purchase/donation does not result any negative impacts to the third party associated with the purchase/donation activity,
- (viii) identify and recommend mitigation measures to land owner / donor/ affected third party, if required,
- (ix) ensure that taxes, stamp duties and registration fees for purchased / donated land are borne by government, and
- (x) submit a report and signed certificate as witness to the purchase / donation and transfer process.

**Deliverables:** The details of the meetings, socio economic background of the land/assets owner(s) and a certificate/reports as witness to the purchase / donation process and mitigation measures to owner / donor, if any, shall be submitted by the third party to PMU, PIU and owner/donor in the local language and share with ADB for review

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**SAMPLE CERTIFICATION FORMATS**

This is to certify that Mr./Mrs. XXXXXXXXXXXXXXXXXXXX, (profession, designation, address) is appointed as independent third party to certify the process of negotiated purchase/donation of plot no.....area.....owned / donated by XXXXXXXXXXXX (names of owner), who is a signatory to this certificate. It is also placed on record that none of the signatories to this certificate have any objection to appointment of xxxx as third party witness.

Date

Officers Concerned PIU and land donor/ land owner

(Names and Signatures)

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I, \_\_\_\_\_ of \_\_\_\_\_ (address) certify that I was witness to the process of negotiated purchase / land donation (details of plot \_\_\_\_\_ from XXXXXXXXXXX land owners names).

I certify that:

1. The process of purchase / donation of the said land was transparent; the landowner(s) was/were happy to sell/donate the land/assets for the welfare of the community/subproject activities.
2. No coercion was used in the purchase/donation process.
3. No (formal/informal) third party (associated with the purchase/donation) is negatively affected<sup>1</sup> by the purchase/donation activity
4. Land transfer costs (registration fee and stamp duty) were borne by the government and not by the owner/donor.
5. All concerns expressed by the owner/donor as agreed, were addressed and no pending issues remain.
6. The following mitigation measures were identified and implemented / provided to the land owner/donor.
7. Attached are the minutes of meetings held between project proponents and the land owner/donor, and the agreed price/value of the donated land which I was witness to.
8. Attached are the pictures of the land purchased/donated and pictures of the original land owner(s) of the purchased/donated land.
9. Attached are the information of the socio economic background of the land owner(s)/ donor(s)

Signed/

Name

XXXXXXXXXXXXXXXXXXXX

Date: \_\_\_\_\_ Place: \_\_\_\_\_

Encl: Minutes of meetings held between land owner/donor and project proponents

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<sup>1</sup> Negatively affected defines as permanent loss of/ access to shelter or livelihood support which could cause impoverishment to the affected third party.